

APPOINTMENTS IN THE VOLUNTEER ARMY—THIRTY-SIXTH INFANTRY.

To be second lieutenants.

Battalion Sergt. Maj. John M. Craig, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

First Sergt. Israel F. Costello, Company K, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

Sergt. John A. Huntsman, Company E, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

Q. M. Sergt. George F. Young, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

Sergt. Maj. George J. Oden, Thirty-sixth Infantry, United States Volunteers, February 12, 1900.

PROMOTIONS IN THE VOLUNTEER ARMY.

Twenty-seventh Infantry.

Lieut. Col. Albert S. Cummins, Twenty-seventh Infantry, to be colonel, February 4, 1900.

Maj. George L. Byram, Twenty-seventh Infantry, to be lieutenant-colonel, February 4, 1900.

Capt. Louis C. Scherer, Twenty-seventh Infantry, to be major, February 4, 1900.

First Lieut. Zan F. Collett, Twenty-seventh Infantry, to be captain, February 4, 1900.

Second Lieut. Richard H. Brewer, Twenty-seventh Infantry, to be first lieutenant, February 4, 1900.

Thirty-sixth Infantry.

Second Lieut. Edward McGowan, Thirty-sixth Infantry, United States Volunteers, to be first lieutenant, February 7, 1900.

COMMISSIONERS TO INTERNATIONAL EXPOSITION.

William G. Thompson, of Michigan, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

William M. Thornton, of Virginia, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Arthur E. Valois, of New York, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Henry M. Putney, of New Hampshire, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Alvin H. Sanders, of Illinois, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Louis Stern, of New York, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Calvin Manning, of Iowa, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Franklin Murphy, of New Jersey, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Henry A. Parr, of Maryland, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

William L. Elkins, of Pennsylvania, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Ogden H. Fethers, of Wisconsin, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Peter Jansen, of Nebraska, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Brutus J. Clay, of Kentucky, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Charles A. Collier, of Georgia, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Michael H. De Young, of California, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

Thomas F. Walsh, of Colorado, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

James Allison, of Kansas, to be a commissioner of the United States to the International Exposition to be held at Paris in the year 1900.

POSTMASTER.

Asa H. Faulkner, to be postmaster at McMinnville, in the county of Warren and State of Tennessee.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 20, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

BRIDGE ACROSS THE RED RIVER OF THE NORTH AT DRAYTON, N. DAK.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 160, being the same as the bill H. R. 4167.

The SPEAKER. The gentleman from North Dakota asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 160) to authorize the construction of a bridge across the Red River of the North at Drayton, N. Dak.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALBERT. I would like to ask the gentleman in charge of the bill if it carries any appropriation at all?

Mr. SPALDING. It carries no appropriation at all. The bill is drawn in accordance with the regulations of the War Department, and is indorsed by that Department.

Mr. TALBERT. Has it been fully considered by a committee?

Mr. SPALDING. It was reported by the Committee on Interstate and Foreign Commerce.

Mr. TALBERT. Unanimously?

Mr. SPALDING. Yes, sir.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SPALDING, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SPALDING. I move that the bill H. R. 4167, on the same subject, lie on the table.

The SPEAKER. Without objection, that order will be made. There was no objection.

NICARAGUA CANAL.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that two weeks from to-day may be set apart, immediately after the reading of the Journal, for the consideration of House bill 2538, a bill providing for the construction of a canal connecting the waters of the Atlantic and Pacific oceans. [Applause.]

The SPEAKER. The gentleman from Iowa asks unanimous consent that Tuesday, two weeks from to-day, be set apart for the consideration of the Nicaragua Canal bill.

Mr. RICHARDSON. Mr. Speaker, I desire to ask the gentleman, as I have not had time to read the bill, if there is anything in it that deprives the United States of the absolute control of the canal, or do we have to acknowledge that the Clayton-Bulwer treaty is still in operation by virtue of anything in this bill?

Mr. HEPBURN. By the terms of this bill, if the canal shall be constructed, the United States will have absolute control over it.

The SPEAKER. Is there objection?

Mr. CANNON. What is the request, Mr. Speaker?

The SPEAKER. The gentleman from Iowa asks unanimous consent to set apart Tuesday, two weeks from to-day, for the consideration of the bill known as the Nicaragua Canal bill.

Mr. CANNON. In the state of the public business, it seems to me that when two weeks from to-day comes, we can better tell about it.

The SPEAKER. Objection is made.

Mr. RICHARDSON. There is no objection on this side, I will state.

The SPEAKER. Objection is made.

Mr. HEPBURN. Well, Mr. Speaker, I do not understand that to be an objection. If the gentleman wants to take the responsibility of objecting to it, let him say so.

Mr. CANNON. For the present. As to two weeks hence, I do not know what I may do two weeks from now; but at this time, forecasting for two weeks, I do not know what we should do.

Mr. HEPBURN. In order to obviate in part the objection, I would ask that a week from to-day be set apart for the consideration of the bill.

The SPEAKER. The gentleman asks that Tuesday, one week from to-day, be set apart for the consideration of the bill.

Mr. CANNON. I am not ready at this moment to agree to either one or two weeks from to-day. There is quite time enough to consult about this in either one or two weeks.

Mr. RICHARDSON. There is no objection to Tuesday one week on this side.

The SPEAKER. Objection is made.

Mr. HEPBURN. By the gentleman from Illinois.

Mr. CANNON. Oh, yes; by "the gentleman from Illinois," standing ready to confer with the gentleman touching the matter between this and then.

Mr. RICHARDSON. Regular order.

The SPEAKER. The regular order is demanded.

TRADE OF PUERTO RICO.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Puerto Rican bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8245.

Mr. NEWLANDS. Mr. Chairman, as a result of a humanitarian war, inaugurated not for the purpose of conquest, but for the purpose of freeing Cuba from the oppression and cruelty of Spain, the United States finds itself to-day in the qualified possession and control of Cuba, in the unqualified possession and control of Puerto Rico, and in the disputed possession of the Philippine Islands. This possession and control are maintained to-day by the Army of the United States, under the direction of the President as Commander in Chief. With reference to them Congress is now called upon to act, and we must consider three questions. First, what duty prompts; second, what self-interest requires; third, what our constitutional obligation imposes upon us regarding them.

The answer to all these questions largely depends upon the relations which they will bear to us in the future, whether temporary or permanent, and every phase of obligation, duty, and right which can be suggested to us by any conquest or cession of territory is presented in the three classes of acquisitions thus secured.

CUBA.

As to Cuba, there is no contention between the opposing parties as to the policy to be pursued. Our sovereignty, jurisdiction, and control over that island were declared by the war resolutions to have in view only its pacification. That being accomplished, our solemn obligation to Cuba and the world was given to leave the government of the island to its people.

In pacification is necessarily included the erection of a stable government, a government built up from below, not imposed from above; a government capable of establishing order, maintaining peace, and performing its international obligations. Municipal government, provincial government, insular government must be organized in order to create a body politic capable of assuming and maintaining sovereignty. Such a process is necessarily slow. The future peace of that island, the maintenance of good order, and the establishment of peaceful relations with this country, as well as the security of our trade and business relations, all demand that this work should be accomplished not in a rapid, loose, and perfunctory manner, but with deliberation and judgment.

As to whether or not economic considerations will later on compel Cuba to seek the benefit of the commercial union and enlarged markets which incorporation with this country will afford is a question of the future, depending upon the consent of both parties, and only to be accomplished after a full consideration of mutual advantages. Cuba will in the future probably be more anxious about this than the United States, for time will demonstrate to Cuba the great advantages of annexation. Whilst her products will seriously compete with the products of certain sections of our country, yet annexation of Cuba is in line with the traditional policy of our country, which includes expansion over contiguous territory and adjacent islands controlling our defensive line. Annexation of Cuba depends on her initiative and our consent after due deliberation. Meanwhile we will carry out in good faith the guaranty of the war resolutions.

PUERTO RICO.

As to Puerto Rico, no complications exist unless they are created by the maladministration of Congress. Its area is small, its people can be easily absorbed, and we are in the unqualified and undisputed possession of that island with the consent of its people, who are ready, willing, and eager to share with us the benefits and the burdens of our Government. Their industrial competition will not be serious, even though they are taken inside of our tariff wall. Doubtless the disposition of the dominant party is to establish there a Territorial form of Government and to extend our Constitution and our laws to them. Their fear is the establishment of a precedent which will be invoked to control our action regarding the Philippines later on; such action, embracing not simply one island near our coast, easily governed, its people friendly and peaceful, but embracing an archipelago of seventeen hundred islands 7,000 miles distant, of diverse races, speaking different lan-

guages, having different customs, and ranging all the way from absolute barbarism to semicivilization.

It is evident, therefore, so far as Puerto Rico is concerned, whatever present objections there may be upon the part of the dominant party to establishing freedom of trade between that island and the Union, such trade will not be long deferred, as apart from the contentions raised by a discriminating tariff, which will doubtless be only temporary, it is evident that both of the political parties of the country are now in substantial agreement that Puerto Rico will become a part of the Union.

The dominant party, however, is losing sight of the possibility that the unrest and dissatisfaction created by inequality of laws may make our problem of government in Puerto Rico much more difficult than it now seems. Whether these newly acquired islands are to be regarded as dependencies or Territories, unless freedom of trade, freedom of migration, and equality of right and burden are established, each community discriminated against will regard itself as the victim of American prejudice or greed.

THE PHILIPPINE ISLANDS.

The Puerto Rico question is thus linked with the Philippine question. The latter presents the only difficulty in the way of the solution of the relations of our newly acquired islands, and it is necessary therefore to ascertain what duty, interest, and constitutional obligation require with reference to the Philippines. In doing so it is unnecessary to engage in crimination or recrimination as to the past. The fact is that the United States has destroyed the Spanish Government and has also destroyed the Filipino government.

The only government which exists there to-day is the military government of the United States. It is as clearly our duty to pacify these islands as it is to pacify Cuba. In this pacification the organization of a stable government is necessarily involved. A slow and tedious process must be entered upon of organizing municipal, provincial, and insular government, and later on, possibly, a confederated government or governments, including either all the islands or groups of islands related to each other by race or interest. This can only be accomplished by the recognition of the sovereignty of the United States for that purpose.

Back of all government lies force, and the only government that exists in these islands to-day is the Government of the United States, and its power must, as a matter of necessity, be recognized and obeyed. Thus far, therefore, both imperialists and anti-imperialists agree that the Philippine Islands must be pacified; that force is essential for that purpose; that the military power of this country must be asserted there in the interest of order and good government; that the people must be for a time in the condition of tutelage, their duty being to obey and ours to control, but with the corresponding obligation upon us to gradually and progressively instruct them in the science of self-government.

The only difference, then, between the imperialists and the anti-imperialists is as to our future purpose. The imperialists contend that we shall hold them for all time as subject dependencies, with such system of autonomy as they are capable of exercising; the anti-imperialists contend that we shall hold the Philippine Islands, not for the United States, but in trust for the people of those islands, with a present positive promise that when a stable government shall be organized, capable in the judgment of the United States of maintaining order and performing international obligations, the independence of the islands shall be assured. We must create a government there to which we can transfer the sovereignty transferred to us by Spain.

ULTIMATE INDEPENDENCE.

I contend that good faith, self-interest, and constitutional obligation compel us to the latter course, which will result in the pacification of the islands, the identification of the insurgents with building up the fabric of the new government, the establishment of order, the security of business interests, and the advancement of trade.

Meanwhile, the friendship of the people being assured, our commercial interests can be rapidly developed there and a commercial hold on the islands will be secured to an extent impossible of realization so long as the people maintain their present hostile attitude. Naval stations and coaling stations can be secured during the process of establishing the new system of government, a process necessarily of long duration, and currents of trade with this country will be created which can not be deflected. This process means the expansion of trade in the Orient without the annexation of oriental territory and oriental peoples, and saves us from the perilous undertaking of changing our theory of government, and abandoning our traditions as well as the contradictions which are involved in asserting an interstate republic and an extra-state despotism.

The Philippine Islands can never occupy to us the same relation as the territory gained from France, Spain, Mexico, and Russia. From this territory the majority of the States of the Union have

been created, and the small balance remaining is certain of admission into the Union as States. No such contingency as the admission of the Philippines into the Union as States is possible. The very argument of the imperialists is based upon this impossibility, and the new theory of government now asserted has its foundation in the acquisition of territory thickly populated by people absolutely unfitted for association with us in government.

Their admission into the Union would also mean an industrial readjustment in this country, for if free trade is established between the Philippines and this country, the inclusion of 9,000,000 people possessing a considerable degree of alertness and industrial capacity accustomed to the cheapest wage and the lowest standard of living will make itself felt not only in our agricultural, but also in our manufacturing industries.

What, then, does self-interest require regarding those islands? Does self-interest prompt us to maintain a perpetual war with millions of people, the continuance of which depends not upon our power but upon their volition; for it is generally conceded that this contest, partaking of the nature of guerrilla warfare by millions of people against an invading and possessory force of only 60,000 men, can last as long as the Filipinos wish it to last. Or shall we secure the friendly cooperation of those people and meanwhile secure the great commercial advantages to be obtained by the retention of naval stations and coaling stations and creating currents of trade which can not be changed?

The course of the anti-imperialists entirely frees us from the danger either of the immigration of those people or the free admission of their products into our markets; whilst the policy to be pursued by the imperialists (provided the Constitution extends over those islands) absolutely compels free migration and freedom of trade.

It is unfortunate that we should go into a great Presidential contest over a question involving extra territorial policy. It is the sentiment of the American people that with reference to our foreign relations the entire country should stand united; and that patriotic sentiment might control now were it not that the question involved includes a change in our own Government under the Constitution—at all events a change of our Government as heretofore administered.

I will not enlarge upon the disadvantages from the standpoint of self-interest in holding those islands as a part of the United States. We all agree, imperialists and anti-imperialists, as to these evils. Imperialists propose to protect us against these changes by making those islands not a part of the United States, but territory of the United States—colonies of the United States, under our absolute and unqualified dominion—our government there unrestrained by the great principles involving personal and property rights contained in the Constitution; while anti-imperialists are solicitous to avoid these very evils of free migration and freedom of trade by absolutely preventing those islands from becoming in any way a part of the United States and by advocating the policy of holding them in trust for their own people, self-government to be ultimately established there and independence absolutely secured.

CONSTITUTIONAL QUESTION.

The question then arises next, apart from the question of self-interest, as to what our constitutional obligations are regarding these islands. The treaty of Paris transfers them to the United States. The sovereignty of Spain has been broken. The sovereignty of the United States has been established. But the treaty provides that the political and civil status of the people of those islands is to be determined by Congress. Thus far we have not made them a part of the United States by any enactment of Congress. They are ceded to us by a treaty of peace; but the very terms of the treaty indicate that the determination of the future of these islands is to be left to the Congress of the United States.

We will soon be called upon to legislate regarding them, and I contend that unless we declare our purpose of holding the Philippines in trust for their own people until a stable government can be erected, the necessary presumption from the cession of the islands to us will be that they are territory belonging to the United States, and the Constitution applies to them, with all its privileges and immunities. No other presumption can be indulged regarding them unless an express declaration is made to the contrary.

The Constitution is the organic law of the United States, absolutely controlling all the branches of the Government in their functions. The United States which governs consists of the States composing the Union, but the United States which is governed under the Constitution consists of the entire domain of the Republic, Territories as well as States, and the "United States" referred to in that provision of the Constitution which declares for uniformity of taxation is the "United States" which is governed, not the United States which governs. The pending tariff as to Puerto Rico, therefore, raises the question as to whether the limitations and prohibitions of the Constitution control the action

of Congress as to territories ceded and belonging to the United States. The claim that any part of the territory of the United States can be governed by Congress outside of the Constitution is without solid foundation, either of reason or authority. The Congress of the United States is the creature of the Constitution; all its powers are created by the Constitution, and the limitations upon its power must be applied to all legislation which it originates.

The Congress of the United States can not be a despotism in some parts of the Union and a body of limited constitutional powers in other parts. The Constitution of the United States was the compact of thirteen States, formerly colonies of Great Britain, which had revolted against the mother country. Equality of rights, the right to life, liberty, and the pursuit of happiness, the right of representation where taxation was involved, were the essential principles to vindicate which the Revolution was inaugurated and free government established.

The framers of the Constitution had in view the acquisition of the Northwest Territory, out of which five States were to be carved. They were framing an organic act which was to apply to the entire domain of the Republic. Jealous of individual rights they granted certain powers to the General Government, reserved certain powers to the people and the States, limited other powers, and prohibited others. They organized a government capable of indefinite expansion. They provided for the admission of new States and for the acquisition of territory out of which States could be made. The Territories were to be regarded as infant States.

It is impossible to believe that they intended that the Congress of the United States should be a limited sovereignty in the States and a despotism in the Territories, and that they proposed that the people of the Territories should not enjoy the personal and property rights for which they had fought and which they protected by the prohibitions and limitations of Congress.

It can not be contended for a moment that they deliberately designed to give Congress the power in the Territories to pass bills of attainder and ex post facto laws, grant titles of nobility, work corruption of blood or forfeiture, convict of treason on the testimony of one witness, or that they designed that the people of the Territories should not be secure in the freedom of speech or of the press, the right to assemble and petition the Government for the redress of grievances, the right to keep and bear arms, the right to be secure in their persons, houses, and effects, or that they should be deprived of life, liberty, or property without due process of law, or be deprived of private property for public use without just compensation, or should be deprived of the right of trial by jury, or should be subject to cruel or unjust punishment; and yet all these rights were absolutely secured by the Constitution, and Congress was forbidden to invade any of them.

It is clear that if the prohibitions of the Constitution relating to the rights of individuals were to be enforced wherever the jurisdiction of the Republic extended, the limitations of the Constitution relating to the power of taxation must be similarly enforced. The Constitution demands uniformity as the rule of customs duties throughout the United States, which term covers the entire domain of the Republic.

Now, the term "United States" can of course be used in two senses—the political sense, which means the States composing the Union; the geographical sense, which means the entire domain of the Republic. The United States, in a political sense, means the States composing the Union; they are the source of all governmental power. The people of those States elect the President of the United States. The people of those States elect Representatives in Congress. The people of those States elect the State legislatures which elect our Senators. The lawmaking and the law-executing branches of the Government thus elected by the people of the States composing the Union provide for the judiciary, which sits in judgment upon our laws.

The political United States consists of the States composing the Union—the "United States" which governs is the "United States" consisting of the States composing the Union. The United States, however, which is governed is the entire domain of the Republic, Territories as well as States; and with reference to the larger United States, the United States governed, the Constitution is the organic law, defining the powers of the President, of Congress, of the Supreme Court over the entire domain of the Republic, Territories as well as States.

It is impossible to believe that the framers of our Constitution could have had any other view. The States that originally formed this Union were certain colonies which had revolted against the oppression of the mother country—oppression involving, as this tariff does, the question of taxation, the question of taxation without representation, the question of unfair taxes, the question of imposition upon the natural rights and liberties of the colonists.

After many years of protest the men of that time, men of wonderful wisdom and sagacity, framed the Declaration of Independence, which was the assertion of the natural rights of man,

It was in itself the precursor of the Constitution. The very purpose of the Constitution was to establish a limited sovereignty upon this continent.

They were distrustful of absolute and unrestrained power. They had been the victims of the absolute power of Parliament, just such power as it is contended to-day we may exercise, under the Constitution, with reference to these new possessions; and they determined to frame a system of government which would put the representatives of the people and the people themselves in a strait-jacket so far as the exercise of absolute power was concerned. They framed a limited sovereignty, consisting of the United States of America, an indestructible Union of indestructible States, a Union organized for general protection and defense and the common welfare.

And so thirteen colonies of Great Britain, revolting against taxation by the mother country without representation in the taxing body, revolting against invasion of their rights of personal liberty and individual property, declared their independence of Great Britain, and later on formed a Union called the United States of America, the purpose being to leave local government in the hands of the States and to intrust all matters of general welfare, such as matters involving war, foreign relations, and Federal legislation, to the Federal Government, the source of which was to be the people of the States composing the Union.

They provided in their Constitution for expansion by the admission of new States, entitled to the same rights of local self-government, yielding the same allegiance to the Union and receiving the same benefits from it. Connected with this expansion by the admission of new States was necessarily involved the acquisition of territory, ultimately, when population permitted, to be admitted as States. Thus the scheme of government was formed, a union of States, expansion and growth by the admission of new States, expansion and growth by the acquisition of territory for the purpose of forming new States, everywhere maintaining the dual form of government—State sovereignty as to local matters and Federal sovereignty as to matters of general welfare.

Certain powers were granted to Congress. Certain of the powers so granted were limited. The exercise of certain other powers was prohibited. All powers not granted were reserved to the States or to the people of the United States. Combine all of the powers—the powers granted to the Federal Government, the powers reserved to the State government, and the powers reserved to the people—and you have all of the elements of absolute power. The very purpose of the organization of this Government was to combine them nowhere, but to create a government of checks and balances not capable, perhaps, of moving with the energy and efficiency and quickness of absolutism, but a government of limitations, of prohibitions, of checks and balances, so framed as to protect the individual rights, the individual lives, and the individual property of the people against absolute and unrestrained power.

Now, in framing this system of government is it possible to believe that these great liberty-loving, God-fearing, humanity-loving men could be so selfish as to intend to frame a government whose blessings were intended only for the States composing the Union, regardless of the rights and liberties of the people occupying territory belonging to the United States, that as to such people they intended Congress should have and exercise the omnipotent power which Parliament asserted and exercised regarding the Colonies?

EXTENSION OF THE CONSTITUTION.

Mr. Chairman, the very scheme of government involved in itself not only expansion of territory but expansion of the Constitution, expansion of the protection of the Constitution over all parts of the domain of the Republic. It provided for the admission of new States, and in the same section provided for the government and disposition of territory belonging to the United States.

They then had in view the acquisition of the great Northwest Territory, subsequently ceded to the United States by the States of Virginia and Maryland, out of which not less than three nor more than five States were to be incorporated into the Union.

The entire history of the framing of the Constitution indicates that the purpose of its makers was to organize a union of States; to permit the admission of new States, and to permit the acquisition of territory for the purpose of organizing new States; and that over the entire country, both the States and the infant States, the Constitution was to be the organic law, charter of their liberties, governing and controlling the action of the Federal Government.

As the colonists had fought for the principle that taxation and representation must go together, they contemplated in no contingency the denial of this principle.

The portion of the Constitution providing for a District of Columbia, over which Congress should have exclusive jurisdiction, contemplated the acquisition of a limited area without popula-

tion, whose population thereafter was to be made up of citizens from the various States, who could maintain their right of representation by maintaining their citizenship in the respective States, and who, by coming to an unoccupied territory, whose government was already vested in a Congress, must be deemed to have consented to that form of government.

As to the Territories, the right of representation was practically admitted by conceding the right to be admitted into the Union when the population sufficed to fit them for the assumption of the burdens of statehood. They were regarded as infant States, to be controlled during infancy by the Federal Government, just as individuals are controlled during infancy. But with reference to the District of Columbia and the Territories all practical guaranties as to life, liberty, and property were secured by the provisions of the Constitution relating to personal liberty, and by the provision securing uniformity as to indirect taxes and apportionment as to direct taxes.

The powers of Congress, then, as created in the Constitution, must be viewed in the light of the Declaration of Independence and the principles for which the war of independence was fought, and it is impossible to believe that any limitations put upon the legislative power, otherwise despotic, in favor of individual rights, individual liberties, and individual lives, and for the purpose of securing equality of rights and uniformity of burdens, were intended to be applied only to that favored portion of the American people residing in the States and to be denied to that portion residing in the Territories.

The character of the Revolutionary fathers, the principles for which they contended, and the history of the times all prove that while their purpose was to make the people of the States the source of government, the Government itself was to be equal and just and to extend over the entire American people, whether living in States or in Territories.

Under such a system of government indefinite expansion over uninhabited territory fitted to the development of our race or over populated territory containing peoples capable of assimilation and of sharing with us the blessings of free government and of maintaining their liberties is possible. The difference between the imperialists and the anti-imperialists on this question is that the imperialists wish to expand our territory and to contract our Constitution. The anti-imperialists are opposed to any expansion of territory which, as a matter of necessity, arising from the ignorance and inferiority of the people occupying it, makes free constitutional government impracticable or undesirable.

PRINCIPLES OF LIBERTY.

The gentleman from Pennsylvania [Mr. DALZELL] remarked that the guaranties of liberty were the heritage of the Anglo-Saxon race; that we required no written constitution, no parchment upon which the great principles of liberty should be written; that these principles landed at Jamestown and Plymouth Rock with our colonial fathers, and were written upon the hearts of the American people.

What were these principles? The principles of Magna Charta and the Bill of Rights. Now, our forefathers were part of the great English people. The heritage which they had was the heritage of Magna Charta and the Bill of Rights. The principles which were written upon their hearts were the principles of those great instruments. But were those principles written upon the heart of George III, a kinsman, an Englishman? Were they written upon the hearts of the British Parliament, against whose oppressions and exactions our colonial forefathers rebelled? And did not the lesson of that experience imprint itself upon their hearts and compel them, in shaping a government in this country, to write in parchment, in the permanent law of the country, only to be changed after long effort, careful deliberation, and supreme consideration, the great principles regarding individual rights and property for which they had contended?

And is it not possible that history may repeat itself and that our subjects in the Philippine Islands may find that those principles of liberty are not so written upon the hearts of the members of the American Congress as to prevent them from exercising the harsh and oppressive power which the gentlemen must admit is inherent in absolutism, whether exercised or not?

CHECKS AND BALANCES.

Now, I said that we had organized a system of checks and balances, with absolute power nowhere. The framers of the Constitution in creating that instrument expressed a distrust not only of the representatives of the people but their distrust of the people themselves. They put not only the representatives of the people but the people themselves in chains by that organic act. They proposed thereby to protect the people not only from the uncontrolled power in their representatives but from their own violence.

By the creation of a House of Representatives which could negative the action of the Senate, by the creation of a Senate which

could negative the action of the House, by the creation of an Executive who could veto the action of both, they put limits everywhere upon inconsiderate action; and then by limiting certain powers, prohibiting others, and reserving to the States and to the people of the United States the remaining powers of sovereignty, they secured a Government intended to guard the rights of a strong people, not to crush the liberties of a weak people. A strong Government because of the individualism and strength of its people, not strong because of its absolutism over a weak people.

THE CANTER CASE.

Now, I wish to review for a few moments the decisions to which the gentleman from Pennsylvania [Mr. DALZELL] alluded in his argument yesterday. Thus far I have taken only a general view of the Constitution, and have considered it in the light of history, in the light of the experiences of our fathers, in the light of their contention for human liberty everywhere.

The gentleman from Pennsylvania relies mainly upon the case of the American Insurance Company against Canter (1 Peters, 511), upon the Tampico case, and one or two other cases of similar import.

In the Canter case certain bales of cotton contained in a vessel wrecked off the coast of Florida were seized by the salvors under the law of the Territory of Florida, and were sold under the decree of an inferior court organized by the legislature of that Territory. And the question was whether the decree changed the property to the purchaser under that salvage sale. It was contended on the one hand that the judicial power of the United States extended to admiralty cases; that the judicial power of the United States was to be exercised only by certain courts provided for by the Constitution, the tenure of office in which should be during good behavior; and it was contended that jurisdiction in an admiralty case could be given only to a constitutional court.

The Supreme Court met this contention by declaring that these inferior courts were not constitutional courts; that their judges held for a term of years and not for life; that they were inferior courts, organized by the Territory of Florida, acting under the sanction of Congress, which in itself was acting either under the general powers of sovereignty, to be inferred from the right to acquire, or under that provision of the Constitution which gives to Congress the power to make needful rules and regulations regarding the territory of the United States.

It is true that these inferior courts, though organized under the authority of the United States, were not constitutional courts. They were local courts, for in the Territories, of course, the Federal Government has not only the powers of the Federal Government but the powers of a State and municipal government. It can act directly with reference to the Territories, or it can delegate its powers to a legislature to be organized under the laws of the United States in the Territories. There is no question of the power of the United States to organize, in a Territory, inferior courts of local jurisdiction. The only question is whether an admiralty case is under the exclusive jurisdiction of the United States, and whether jurisdiction in such a case can be conferred upon or exercised by any but a constitutional court, a court of the United States organized under the Constitution with judges enjoying life tenure.

Now, I admit that case bears against us, if a case of salvage is a case of exclusive Federal jurisdiction. I have not been able to look into the question whether jurisdiction in a case of salvage can be exercised concurrently by the United States courts and by the State courts. If it can be exercised concurrently, then clearly the case does not bear against us.

THE TAMPICO CASE.

The next case was the Tampico case (*Fleming vs. Page*, 9 How., page 603). There, during the Mexican war, the possession and control of Tampico was secured by our arms.

The Supreme Court in that case, involving the right of a collection port of the United States to exact duties upon goods imported from Tampico, then in the possession of the United States military authorities as conquered territory, declared that the genius and character of our institutions were peaceful; that the power to declare war was not conferred upon Congress for the purpose of aggression or aggrandizement, but to enable the General Government to vindicate by arms its own rights and the rights of its citizens; that a war declared by Congress could not be presumed to be waged for the purpose of conquest; nor could the law declaring the war "imply an authority to the President to enlarge the limits of the United States by subjugating the enemy's territory;" that the boundaries of the United States could not be enlarged by mere military occupation, and so the court held in that case that Tampico was a foreign port even though it was under the control of our military authorities and had been conquered in war; that it could not become a domestic port except through the action of the treaty-making power or the legislative power; that the duty of the President was merely military, and that whilst he might invade a hostile country and subject it to the sovereignty of the United States, his conquest did not enlarge the

boundaries of the Union nor extend the operation of our institutions or laws beyond the limits before assigned to them by the legislative power.

The whole reasoning of the case was that the boundaries of the United States could not be enlarged by conquest, but only by the action of the treaty-making power or the legislative power, and confirms our contention that when territory is ceded to the United States by treaty it then becomes domestic, not foreign; that the boundaries of the United States are enlarged so as to include it; that the Constitution of the United States applies to it. It will be observed that the court said that conquests do not enlarge the boundaries of the United States, but that cession through the treaty-making power does. What United States? The political United States, consisting of the States composing the Union; the United States that governs, or the geographical United States, consisting of States and Territories, the United States that is governed? Clearly the latter.

The boundaries of the political United States can only be enlarged by the admission of a new State; the boundaries of the geographical United States can be enlarged by the acquisition of territory as the result of the treaty-making power or the legislative power; and it is in that sense that the term "United States" is used in all portions of the Constitution relating not to the source of government but to the powers of government.

Mr. WILLIAMS of Mississippi. The United States in the aggregate, and not the several States?

Mr. NEWLANDS. Yes.

So also in other cases the courts have recognized the doctrine that ports in ceded territory are not to be regarded as domestic ports until Congress extends the customs laws to them. Was this doctrine declared because they were not part of the territory of the United States, or was it because the machinery for collecting duties was lacking? Clearly the latter. With reference to newly acquired territory, the municipal law in existence there is maintained until the country to which the cession is made exercises the power of sovereignty. There can be no such thing as collecting revenue in ceded territory unless the machinery of the law is there, and the machinery of the law can only be introduced there by the creation of collection districts by Congress, and until then these ceded ports are not regarded by the administrative department as domestic ports.

CROSS VS. HARRISON.

And yet the Supreme Court in the case of Cross against Harrison (16 Howard, page 164), a later case, takes from the gentleman even the contention which he bases upon the Tampico case, and the administrative action regarding ports in ceded territory, in which the machinery of collection has not been established. The case of Cross against Harrison arose whilst California was under military rule. It was under military rule before the cession as a result of its conquest. It was under military rule after its cession, simply because the United States Congress had not chosen to legislate regarding it.

The collector of that district was an appointee of the military commander, who, under the military law and as an incident of military occupation, could himself construct such a system of revenue and such a system of imposts and duties as to himself seemed fit.

Mr. WILLIAMS of Mississippi. Will the gentleman from Nevada excuse me for an interruption one moment to call his attention to the fact that in none of those cases did the military power set up a tariff different from that already enacted by the laws of the United States. They merely put into existence the same local laws of the ports of the country.

Mr. NEWLANDS. I was about to make that remark. The military governor there had, prior to the cession, imposed, if I recollect aright, certain duties upon imports, and after the cession and before the collection district was organized, and before the machinery of the law had been extended to San Francisco by the Federal authorities, he arbitrarily established other duties, the duties then imposed by the laws of the United States upon goods coming to the ports of the United States from foreign countries; and in that case the Supreme Court of the United States declared that immediately upon the cession the Constitution and laws of the United States, so far as they can be enforced, extended to the territory ceded.

Mr. GAINES. Will the gentleman from Nevada allow me an interruption?

Mr. NEWLANDS. I will.

Mr. GAINES. Is it not an historical fact that before the Constitution was formed, and while it was being formed, but before it was ratified, territory was ceded by several States to the United States?

Mr. NEWLANDS. Yes. Now, I was referring to the case of Cross against Harrison. There the military commander, after the cession, had fixed the duties provided by the laws of the United States, and the Supreme Court of the United States held

that immediately upon cession, and without the action of Congress at all, the Constitution and the laws applied to the ceded territory, and held that, as the Constitution itself provided that the duties throughout the United States should be uniform, it was the constitutional duty of the President of the United States to enforce the Constitution, and that the collection of the duties by the military collector, under the military commander, was entirely legal. Justice Wayne said:

The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be in violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. * * * As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it is only necessary to say that if he did not do so it would be a neglect of his constitutional obligation to take care that the laws be faithfully executed.

California, then a ceded territory, was declared by Mr. Justice Wayne to be "within the United States" and subject to the provision of the Constitution which provides for uniformity in customs duties "throughout the United States." Does it not, therefore, follow that Puerto Rico, a ceded territory, is also within the United States and is protected by the same provision of the Constitution?

TERRITORIES AS INFANT STATES.

Now, let me refer to the authorities which are confirmatory of the position which I have assumed, that the United States was organized with all the elements of expansion in it, that expansion to take the form of admission of new States and of territory regarded as infant States, later on to become sovereign States of the Union when able to sustain the burdens of statehood.

You have already heard both the controlling and dissenting opinions in the case of Scott against Sanford (19 Howard, page 432). I am aware that it is a malodorous case for the reason that it led to our civil war, and yet it has never been overruled; and certainly as not only the judges rendering the decision, but the dissenting judges agree as to our theory of government, it is both controlling and persuasive. In all these opinions, in the utterances of Chief Justice Taney for the majority, in the utterances of Justice McLean and Justice Curtis for the minority, no variance of opinion, but, on the contrary, unanimity of opinion is expressed on this subject.

Chief Justice Taney said:

There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States.

The power to expand the territory of the United States by the admission of new States is plainly given, and in the construction of this power by all the departments of the Government it has been held to authorize the acquisition of a territory not fit for admission at the time, but to be admitted as soon as its population would entitle it to admission. It is acquired to become a State, and not to be held as a colony and governed by Congress with absolute authority; and as the propriety of admitting a new State is committed to the sound discretion of Congress, the power to acquire territory for that purpose, to be held by the United States until it is in suitable condition to become a State upon an equal footing with the other States, must rest upon the same discretion.

Justice McLean, of the minority, said:

In organizing the government of a Territory, Congress is limited to means appropriate to the attainment of the constitutional object. No powers can be exercised which are prohibited by the Constitution or which are contrary to its spirit, so that, whether the object may be the protection of the persons and property of purchasers of the public lands or of communities who have been annexed to the Union by conquest or purchase, they are initiatory to the establishment of State governments, and no more power can be claimed or exercised than is necessary to the attainment of the end. This is the limitation of all the Federal powers.

Mr. Justice Curtis said:

Since, then, this power was manifestly conferred to enable the United States to dispose of its public lands to settlers, and to admit them into the Union as States, when in the judgment of Congress they should be fitted therefor; since these were the needs provided for; since it is confessed that government is indispensable to provide for those needs, and the power is to make all needful rules and regulations respecting the Territory, I can not doubt that this is a power to govern the inhabitants of the Territory by such laws as Congress deems needful until they obtain admission as States.

Justice Curtis adds—remember this is the opinion of Justice Curtis, of Massachusetts, the leader of the minority in that great case—

If, then, this clause does contain a power to legislate respecting the Territory, what are the limits to that power? To this I answer that in common with all the other legislative powers of Congress it finds limits in the express prohibitions of Congress not to do certain things; that in the exercise of the legislative power Congress can not pass an ex post facto law or bill of attainder, and so in respect to each of the other prohibitions contained in the Constitution.

Now, what are these prohibitions? The prohibited powers of Congress are:

No bill of attainder or ex post facto law shall be passed.
No title of nobility shall be granted by the United States.
The trial of all crimes, except in cases of impeachment, shall be by jury.
No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.
No attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

These prohibitions, then, apply to the action of Congress whenever it acts, whether with reference to Territories or with reference to area of the States composing the Union.

Now, let us look at a few amendments, to the right secured by the first eight amendments.

The first eight amendments to the Constitution secure freedom of religion, freedom of speech and of the press, freedom of the right of the people to assemble and to petition the Government for redress of grievances, the right of the people to keep and bear arms, the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.

They also provide for presentment or indictment by a grand jury; that no person shall be twice put in jeopardy for the same offense; that no person shall be compelled in a criminal action to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor be deprived of private property for public use without just compensation. They secure the right of a speedy and public trial by an impartial jury, and the preservation of the right of trial by jury in suits at common law. They provide that excessive bail shall not be required, nor excessive fines imposed, nor cruel or unjust punishment inflicted.

Mr. Justice Curtis says:

If, then, this clause does contain the power to legislate respecting the territory, what are the limits to that power? To this I answer that, in common with all the other legislative powers of Congress, it finds limits in the express prohibitions of Congress not to do certain things.

Then I ask you, if the prohibitions are operative to control Congress, will not the limitations of power control it? A limitation of power is a prohibition of power, except to the extent to which that power is granted.

What is the limitation with reference to duties? The limitation of uniformity. The Constitution says, "All duties, imposts, and excises shall be uniform throughout the United States." No law regarding duties shall be ununiform. Is not this as emphatic a prohibition as "No bill of attainder or ex post facto law shall be passed?" Are the words "United States" words of contraction or of emphasis? Do they mean the whole or a part only of the national domain? Chief Justice Marshall, in *Loughborough vs. Blake* (5 Wheaton, page 317), says in construing this clause of the Constitution, in an opinion which our opponents declare to be dictum:

The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised throughout the United States. Does this term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories.

This would be sufficient to condemn the pending bill; but I have preferred to take the larger view of the question, which includes our policy as to all our new possessions, my contention being that our Constitution is one of restricted powers; that it applies to every inch of territory upon which it is intended that our flag shall permanently fly; that it involves the ultimate incorporation in the Union and the participation with us in the exercise of the powers of government of all annexed territories, and that the annexation of inferior peoples of lower capacity and cheaper labor involves not only danger to our institutions but to our whole industrial system, dangers sure to lead to unrest, civil disturbance, and internal war.

OMNIPOTENCE OF CONGRESS.

I contend that there is no basis for this new theory that Congress is omnipotent as to Territories, and have endeavored to show both by consideration of the provisions of the Constitution, as well as by the history antedating and contemporaneous with its formation, that the very purpose was to prevent that omnipotence assured to Parliament by the British constitution. We speak of the British constitution. No such constitution exists. Parliament is unlimited in its powers. It can, if it chooses, pass bills of attainder, ex post facto laws, laws depriving people of their property for public use without just compensation. There is no limitation upon the powers of Parliament save such as the good judgment and wisdom of the members themselves may impose.

The sovereign there would not dare to exercise the power of veto; it would involve a revolution. Our forefathers were escaping from the omnipotence of Parliament, and they determined that in organizing a representative body here they would put in the organic act those prohibitions and limitations which would prevent Congress from becoming omnipotent, as Parliament had been. One of these amendments prohibits Congress from interfering with freedom of religion. In the case of *Reynolds vs. United States* (98 U. S., 163) the court said:

Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation.

Now, the gentleman from Pennsylvania says: "But with reference to all the territories that have hitherto been acquired by the United States, the custom of Congress has been, by the organic act creating certain territory, to extend to them the Constitution and the laws." And he claims that the Constitution has

operated in such territories not by reason of its own strength, but by reason of the acts of Congress extending it. If that be true, then the act of Congress extending the Constitution, being merely statutory law, can be amended or repealed by Congress at any time.

If Congress can extend the Constitution by law, it can withdraw the Constitution by law. But you will observe that in this very case, a case relating to Utah, the court does not base its decision upon the fact that the Constitution had been extended to that Territory by Congress and was therefore operative not as the Constitution, but as a statutory enactment in the form of the organic act of the Territory; but it says that "Congress"—not the Territorial legislature, but Congress itself—"can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment of the Constitution expressly prohibits such legislation."

In the case of *Springville vs. Thomas* (166 U. S., 707), involving the operation of the Constitution in a Territory, the court says:

In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases. The act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

The seventh amendment secured unanimity; and Congress itself in dealing with a Territory—in making an organic law for a Territory—can not impart to the legislative body of that Territory power to change the constitutional rule. If Congress itself regarding a Territory could act regardless of the constitutional rule, could it not impart that power to a legislature created in a Territory by this act for the purpose of local government?

And in *Thompson vs. Utah* (170 U. S., 346), Justice Harlan said:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

It will thus be seen that the provisions of the Constitution are extended, not as an act of grace on the part of Congress, but as a matter of constitutional right, the Constitution itself being the organic law controlling the entire Territory, limiting the powers of Congress itself in its action upon such Territory.

And in *Murphy vs. Ramsey* (114 U. S., 15) the court says:

In the exercise of this sovereign dominion—

"This sovereign dominion"—just as the dominion of a legislature may be called a sovereign dominion over the State; but that does not imply that it is an absolutism. The sovereignty spoken of is the limited sovereignty to which I have referred.

In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of the Government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

In the case of the *American Publishing Company vs. Fisher* (166 U. S., 464), Justice Brewer declared that the question as to whether the seventh amendment to the Constitution of the United States, regarding the right of trial by jury, "operates ex proprio vigore to invalidate this statute may be a matter of dispute."

That language was used in 166 United States; and Justice Brewer probably bases this statement upon the loose language used by Mr. Justice Bradley, in which he declared that the limitations in favor of personal rights which are formulated in the Constitution and its amendments—

would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions.

Mr. DOLLIVER. Why does the gentleman call the language of Justice Brewer "loose language?"

Mr. NEWLANDS. Simply because it is loose language to speak of limitations by inference, restrictions by implication, when the Constitution itself, by its express limitations and prohibitions, restrains the power of Congress, and nothing whatever is left to implication or inference.

Now, then, Justice Brewer says that it "may be a question of dispute;" but recollect that in the case of *Springville vs. Thomas*, decided by the same court and after this case in which Justice Brewer declared that it might be a matter of dispute as to whether the Constitution operated ex proprio vigore, the court says the act of Congress could not impart to a Territory the power to change the constitutional rule.

A MEMBER. That was in the Utah case?

Mr. NEWLANDS. Yes.

EXPANSION UNDER THE CONSTITUTION.

Now, in support of my contention that the Constitution contemplated the admission of new States, and as incidental thereto the acquisition of new territory from which new States could be created, I refer again to the opinion of Chief Justice Marshall in the case of *Loughborough vs. Blake* (5 Wheaton, 317), wherein, speaking of the restrictions of the Constitution, he says:

The difference between requiring a continent, with an immense population, to be taxed by a government having no common interest with it, separated from it by a vast ocean, restrained by no principle of apportion-

ment, and associated with it by no common feelings, and permitting the representatives of the American people, under the restrictions of our Constitution, to tax a part of the society which is either in a state of infancy advancing to manhood, looking forward to complete equality as soon as that state of manhood shall be attained, as is the case with the Territories, or which has voluntarily relinquished the right of representation and has adopted the whole body of Congress for its legitimate government, as is the case with the District, is too obvious not to present itself to the minds of all.

Chief Justice Marshall was meeting the contention that no Federal tax could be imposed in the District of Columbia because the people of the District were not represented in the taxing body, and insisted that such contention could not be maintained. The District of Columbia was a very limited area of unoccupied territory, ceded by Virginia and Maryland as the seat of the Federal Government, the people of which could, if they wished, secure representation in government by maintaining their citizenship in the adjoining States, and who would be deemed by reason of living here under such conditions to have consented to government by Congress. Chief Justice Marshall draws the distinction between taxation under such conditions and the taxation of a colony by the mother country. Then, referring to the Territories, he finds justification for imposing taxes without representation in the fact that the Territory was in a state of infancy advancing toward manhood, afterwards to be admitted into the Union with the right of representation as a sovereign State.

Then in another case, in *Weber against Harbor Commissioners* (18 Wallace, 65), Justice Field said:

Although the title to the soil under tide waters of the bay was acquired by the cession from Mexico equally with the title to the upland, they held it only in trust for the future States.

And in the case of *Knight vs. United States Land Association* (142 U. S. Reports, page 183) Justice Lamar said:

Upon the acquisition of the territory from Mexico the United States acquired the title to the tide lands equally with the title to the upland, but with respect to the former they held it only in trust for the future States that might be erected out of such territory.

And in the case of *Shively vs. Bowlby* (152 U. S. Reports, 48) Justice Gray held the same doctrine.

What did they hold? That upon the cession of territory the United States acquired the title to soil under the tide waters equally with the title to the uplands; but that they held the title to the tide lands in trust. For whom? For the people of the United States? For this absolutism which, it is now contended, exists? For the States composing the Union? By no means. But in trust for the future States to be erected out of such territory, such trust to be sacredly maintained until the manhood of the *cestui que trust* was attained.

This, then, Mr. Chairman, is what we contend for in reference to these islands: That if they are acquired as a part of the territory of the United States we hold that territory, with its population, as infant States to be hereafter admitted into the United States, and we hold the tide lands in such territory for the future States to be created out of them. And, sir, the only way we can escape bringing this people within our tariff laws, within our body politic—the only way, I repeat, to keep them outside of our political and industrial system—is to declare now that we hold them not as territory of the United States—as infant States hereafter to be admitted as sovereign States—but that we hold these islands in trust for the people of those islands, to be turned over to them with complete independence when a satisfactory government shall be organized there capable of accepting the transfer of Spain's sovereignty, through the United States as intermediary, and capable of maintaining order and fulfilling international obligations.

HAWAII.

Mr. GROSVENOR. If it would not interrupt the gentleman from Nevada, I would like to make a suggestion to him in this connection.

Mr. NEWLANDS. Certainly.

Mr. GROSVENOR. I understand the argument of the gentleman to be that upon the acquisition of territory, as in the case of Puerto Rico or the Philippines, the Constitution at once extends itself and operates by its limitations upon the legislation of Congress?

Mr. NEWLANDS. Yes.

Mr. GROSVENOR. I hold in my hand a resolution introduced by the gentleman from Nevada [Mr. NEWLANDS] in the last Congress, which afterwards passed into law, in which I find the following:

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

Now, if the Constitution, of its own motion, proceeded to Hawaii when the treaty was ratified, the limitation in the matter of customs regulations and the assessment of customs duties at once operated and forbade Congress to make a different rate of duty in the Hawaiian Islands from that which is enforced against other foreign countries. And yet I find that the gentleman, in a very able speech made in the last Congress, defended the very proposition and insisted upon the right of Congress to legislate upon that very question in the Hawaiian Islands.

Mr. NEWLANDS. Will the gentleman hand me the resolution?

Mr. GROSVENOR. I will take great pleasure in doing so.

Mr. GAINES. Did not that resolution provide that the local laws should continue, save those which conflicted with the Federal Constitution?

Mr. GROSVENOR. Now, will the gentleman from Tennessee let me fight this out myself?

Mr. GAINES. You did not read all the resolution.

Mr. GROSVENOR. I read every word that related to that subject.

Mr. GAINES. It was provided that that should be the law unless it interfered with the Constitution.

Mr. GROSVENOR. Not at all.

Mr. GAINES. You will find that the law of the treaty.

Mr. NEWLANDS. I am very familiar with the resolutions.

Mr. GROSVENOR. It is verbatim in the act as passed. There was not a single amendment to the original resolution—not a single word.

Mr. NEWLANDS. In the first place, I will say to the gentleman that if there is anything in these resolutions inconsistent with the contention which I now make, it is because I was not as well informed when these resolutions were drawn as I am now. [Applause on the Democratic side.]

Mr. GROSVENOR. That is a very successful answer.

Mr. NEWLANDS. But I will say, in further explanation of this clause—

That until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands, the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged—

That there are two classes of opinions in the decisions of the United States Supreme Court regarding this question, some contending that the ports in ceded territory, until the machinery of the customs laws of the United States is extended to them, must be regarded as foreign ports, and the other, as in the case of Cross against Harrison, contending that the territory, as soon as it is ceded, becomes subject to the Constitution and the laws and that it is the duty of the President of the United States to see that the customs laws of the United States are enforced there. These resolutions were resolutions of annexation, not an act for the government of Hawaii. The object was to maintain all existing laws and revenues until Congress should have an opportunity of acting.

Mr. GROSVENOR. I do not want to take up the gentleman's time, but the precise question which he is discussing will now arise upon an entry of goods from Puerto Rico into the customhouse at New York and an attempt to levy the same duty upon those goods as would be levied if they came from the port of London?

Mr. NEWLANDS. Yes.

Mr. GROSVENOR. And you hold what? That there could be no duty levied upon those goods now?

Mr. NEWLANDS. On the goods from Puerto Rico?

Mr. GROSVENOR. Yes.

Mr. NEWLANDS. I do.

Mr. GROSVENOR. You say that they have a right to come in now without the payment of duty?

Mr. NEWLANDS. Yes.

Mr. GROSVENOR. And, secondly, that Congress has no power to affix any duty at all?

Mr. NEWLANDS. I do.

Mr. WILLIAMS of Mississippi. That is, if they were the products of Puerto Rico and not foreign goods that had passed through Puerto Rico?

Mr. GROSVENOR. Of course.

Mr. NEWLANDS. Of course; and the only exception to that which could be justified would be the exception indicated in some of these opinions, which are evidently based upon the fact that the customs laws can not be enforced simply because the machinery of the law is lacking. Now, with reference to Puerto Rico, as to goods coming from San Juan to New York, there is to-day no collector of customs under the United States customs laws. I understand that as between domestic ports, vessels going from one port to the other, a clearance is made in one port by the collector there and entry is made in the other port by the collector there, and the machinery of the law being lacking the Constitution and the laws can not be enforced.

Now, when I say that the Constitution applies *ex proprio vigore* to the territory of the United States, I do not mean to say that it is self-executing. I mean to say that it is the organic law controlling the action of the Government there. The Government could neglect its duty; nothing could compel the Congress of the United States to organize the Supreme Court or to organize the interior judicial courts of the United States. It could absolutely neglect its plain constitutional duty, and for this there would be no remedy. Thus the Constitution would be made inoperative; and so in reference to the machinery of the law regarding the collection of cus-

toms, Congress might possibly, by a failure to appoint a collector in the ceded Territories—

Mr. GILBERT. May I ask the gentleman a question?

Mr. NEWLANDS (continuing). By failing to create the machinery make the Constitution inoperative; but in doing so Congress violates its plain constitutional duty.

The CHAIRMAN. Does the gentleman yield to the gentleman from Kentucky?

Mr. NEWLANDS. I will.

Mr. GILBERT. Now, assuming that the argument of the other side is right, that the Constitution of the United States does not act *ex proprio vigore* in the islands and that there are no laws of this Government in force except such as Congress may enact; assuming that their major premise is sound; I want to know what authority there is in this statute to impose any punishment for a violation of this act. This bill of the majority contains this provision—extending the laws relating to the customs, including those relating to the punishment for crime in connection with the enforcement of such law, over the island of Puerto Rico and of adjacent islands.

Now, I wish you, while you have the floor, as your time has been extended unlimitedly, to point out in this bill where there are any punishments provided for a violation of this proposed bill and whether there is any provision in this bill establishing a collector's district, as indicated by the majority report.

Mr. NEWLANDS. I do not catch the gentleman's question.

Mr. GILBERT. Assuming, now, that the majority report contains the correct law, and that the Constitution of the United States does not extend to Puerto Rico, and the Federal statutes do not extend there, and common law is not in force there, where, under this law, can there be any punishment inflicted for a disregard of it, and where, in the provisions of this law, do you find any establishment of a collector's district? Where is there any kind of machinery to put this bill into operation?

Mr. NEWLANDS. I submit to the gentleman that it would be much better to present that question to one of the gentlemen who favor the bill. [Laughter.] I am opposed to the bill, and I think that a reply would come with better grace from the other side.

Mr. GAINES. Will the gentleman permit me an interruption on account of the question that was propounded to him by the gentleman from Ohio a few moments ago?

Mr. NEWLANDS. I will yield, Mr. Chairman, but I wish to be considerate of the rights of others in this debate, and I would not like to occupy the floor too long.

Mr. GAINES. I read from our treaty, so called, by which the Hawaiian Islands were annexed to the United States:

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist, or as may be hereafter concluded, between the United States and such foreign nations. The municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this joint resolution nor contrary to the Constitution of the United States nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

I had this in mind when the gentleman from Ohio [Mr. GROSVENOR] interrupted you. I ask these questions for the opposition to answer, if they will. If the Constitution did not apply or extend to Hawaii, why did Congress insert in this treaty the clause or limitation found in these words, "nor contrary to the Constitution of the United States?" If a municipal or local law of those islands "contrary to the Constitution" was null and void by the very words, as you see, of this treaty, then the Constitution did and does extend to those islands. I now ask this: Can Congress pass a law for these islands, or for Puerto Rico, that is binding, which is "contrary to the Constitution?"

Can Congress say what shall not be "contrary to the Constitution?" Of course not. That task is for the courts. It has been repeatedly held by our highest courts that a law passed by Territorial legislatures "contrary to the Constitution of the United States is void," which goes to prove that Congress is without power to enact laws beyond the limitation of or its powers granted. It will be noticed that the gentleman from Ohio [Mr. GROSVENOR] did not read the language I here quote.

CONTENTION UNNECESSARY.

Mr. NEWLANDS. Now, Mr. Chairman, I wish to say, in conclusion, that we are engaged, in my judgment, in an unnecessary contention regarding the future of these islands. We agree as to Hawaii. That is an outpost in the Pacific, controlling our defensive line from the Aleutian Islands to San Diego, and in the possession of a hostile power it could be made the base of an attack upon our entire coast, involving perhaps the destruction of our coast marine.

The annexation of Hawaii also involved absolutely the acquisition of the only intermediate port between the Orient and our country. It involved the defense of our coast. It involved economy in the military and naval expenditure of the country. There were no complex problems in regard to the people occupying those

islands. Only 100,000 people occupied them. They had been practically assimilated and were in sympathy with our institutions and our whole system of government. Their acquisition involved no industrial derangement in this country, for they had practically, by reason of the reciprocity treaty, been incorporated into our industrial system.

We also agree as to Cuba. We propose to carry out in good faith our plan of pacification and turn over that island to a government of its own people.

We also agree we will consider in the future, when economic conditions compel Cuba to knock at our door for admission into the Union, as to whether it is wise, safe, and advantageous to do so.

With reference to Puerto Rico we all agree that no great danger to the industrial system of this country can come from the acquisition of Puerto Rico. It lies there on a line to the Gulf, on the route to the future Nicaragua Canal, and comes legitimately within our scheme of expansion involving continental territory on the northern hemisphere and adjacent islands. Hawaii, Puerto Rico, and Cuba, we all—both imperialists and anti-imperialists—agree, constitute a part of legitimate expansion of both our territory and our Government.

As to these islands in the Philippine group, 7,000 miles away, we all agree, whatever may have been the mistakes of commission or omission in the past, that as the Government of Spain has been destroyed, as the government of the Filipinos themselves has been destroyed, and they present unending complications arising from the diverse nature of the tribes, differences in language, differences in customs, that we must slowly build up the fabric of self-government there, that our army must be maintained there, that the sovereign power of the United States must be sustained there, and we only differ as to the ultimate disposition of those islands, as to whether they shall remain permanently a part of the United States or whether we shall hold them in trust for their own people and ultimately grant them independence. This is the only contention.

Do the advantages, unascertained and unknowable, to be gained by the retention of these islands compensate us for abandoning our theory of government, the traditions of our people, and the constitutional government which we exercise? Do they warrant us in abandoning all the teachings of the past? Do they warrant us in the contention that this Government is a limited sovereignty here and can be absolute despotism elsewhere? Are we warranted by any of these advantages, unknown and unascertainable, that are so indefinitely suggested, in marching into this maze of intricacies and complications?

The lines of action which the anti-imperialists suggest will give us a commercial hold upon the islands; will give us coaling stations and naval stations as part of our naval and commercial machinery; will secure the establishment of currents of trade which can not be deflected. The people of this country do not want territorial expansion in the Orient; they want commercial expansion, and they want commercial expansion which will not endanger the political or industrial system of this country. The labor of this country is now on stilts, away above the labor level of the rest of the world, and however people may differ in theory as to the advantages and benefits of free trade or protection, that man would be a courageous man in this country who would knock the stilts from under labor and throw it to the ground writhing and struggling.

Remember the industrial disturbances created in 1894 by the Pullman strike, the result purely of economic conditions brought about by readjustment in our financial and industrial system. The country was upon the verge of a civil war. Economic changes are the most serious changes that any government can contemplate. However justified they may be in theory, they always result in temporary derangement and disorder to the labor and finances of the country. So far as I am concerned I wish to maintain the present level of wages in this country. I would not do anything that would diminish the price of the product which the American laborer makes, when that price is essential to the maintenance of the wage he receives.

And here to-day, after years of legislation in protecting ourselves against the products of the cheap labor of other countries, in protecting ourselves by immigration laws, intending to exclude the inferior and cheaper classes of labor throughout the world, we deliberately take the step which upon our contention will, and even upon your contention may, include within this Union 9,000,000 people with absolute freedom of access to your capital, with absolute freedom of access to the mother country, with absolute freedom of access to every part of our country, who will be invited here in swarms by speculators in labor, as were the Chinese to this country and as are the Japanese to Hawaii.

What would be thought to-day of the proposition of annexing China and Japan and bringing them within our tariff wall? Why, the thinking men for years have dwelt upon the danger of arousing the productive capacity of the Orient. The Chinese were invited

to California under laws which protected their coming, and the people of that State welcomed them. At first the feeling against them was regarded as a low and vulgar race prejudice. The Chinese gradually advanced and captured the different industries on that coast, first the boot and shoe industry, the woolen industry, the cigar industry, and as they advanced upon the vineyards and orchards and into the field, thinking men realized that American civilization was in danger, and we passed laws prohibiting the immigration of these people into our country.

To-day the Japanese are coming into our country, they are rushing into Hawaii, and they will doubtless migrate to this country in large numbers. I heard an intelligent manufacturer from New England, the present minister to Italy, say four years ago that if he were a young man and proposed to establish a manufacturing industry he would go to Japan for its location. The cheapness, intelligence, and efficiency of the labor there would make its competition most potent, if taken within our tariff walls.

FILIPINO COMPETITION.

Now, I have seen in a very thoughtful review of the Philippine Islands, in a statistical abstract presented by the Treasury Department, the statement that the Philippine Islands, with the quickness and adjustability of that race, and with their great resources, will reach out and surpass Japan.

Mr. CARMACK. Will the gentleman please state from what source he derives the statement to which he has just referred?

Mr. NEWLANDS. It is in the abstract of the Bureau of Statistics regarding the Philippine Islands. I have it here. I will read a sentence. It states:

The Philippines will also play a part in the industries of the future equal to, if not surpassing, Japan.

Such information as we can gather points to the conclusion that the natives of the Philippines possess a high degree of intelligence, alertness, and industrial adaptability. They are quick with their heads and their hands, in this respect resembling the Japanese.

Following the annexation of the Philippines there will be a great influx into these islands of American capital, which will be employed partly in the production of sugar and tobacco, affecting thus our own interests in the raising of these staples and partly also in manufacturing industries. At first such industries will be intended only to supply the local demand in the archipelago, but as the aptitude of the natives for pursuits of this kind is developed and the advantages of cheap labor are realized, the business of manufacturing for export to the United States will begin to grow, assuming that there is free trade. Once started, there will be no doubt that it will advance rapidly, trans-Pacific rates of transportation being so low as to offer little hindrance.

The danger will be, under the conditions suggested, that whilst the sugar and tobacco of the Philippines will compete with ours in our own markets, we shall have no compensating opportunity to sell our products there. Probably, instead of buying our manufactures, the Filipinos will ship theirs to us; and if so, the balance of trade will turn largely against us. From our point of view to-day we can hardly imagine the possible extent of this industrial competition or prescribe its limits.

It is probable that at first the natives of the archipelago, if taken inside of our tariff wall, will turn to the production of cotton goods and possibly silk fabrics, but the quickness of their heads and hands will soon enable them to adapt themselves to almost any kind of manufactures.

They may also become dangerous competitors in the growing of cotton, as the islands are well adapted in respect to soil and climate for the production of that staple. For reasons of her own, Spain made it a part of her policy to discourage cotton growing in the Philippines; otherwise it is probable that this industry would already be flourishing in the archipelago. The expectation of the Southern States that the Philippines will open a market for American cotton may never be realized. It is much more likely that they will become rivals in the business of cotton growing, and besides this, if the Constitution applies, the Filipinos will have access to the United States. It has been urged that being accustomed to a tropical climate they will not want to come here, but it must be considered that a large portion of this country has a climate sufficiently warm for the Filipinos, who would not suffer from a change of residence to California, Arizona, New Mexico, and the Southern States.

American labor has been able to maintain itself at its present elevation by the laws limiting and restraining the importation of the products of cheap foreign labor and preventing the wholesale migration of cheap labor into this country from abroad. It can be easily imagined what will be the effect of putting inside of our governmental and industrial system 9,000,000 people possessing a high degree of industrial aptitude and accustomed to a scale of wages and mode of living appropriate to Asiatics.

Such are the evils of incorporating the Philippines into our governmental and industrial system; but let us assume that there are

no constitutional objections to the plans of the imperialists; assume that we can pass discriminating laws restricting the entry of their products and the migration of their peoples to this country, but facilitating the entry of our products and the migration of our people to theirs. Can such a system, founded on injustice, last?

It is contended by no one that there is room for the occupation of these islands by an American population. The climate is unsuited to them, and, besides, the ground is already occupied, not by a barbaric people, such as the Indians, but by semicivilized people owning the land, cultivating the soil, and enjoying the rights of property. Their land can not be occupied by us; it is already occupied by them. All that we can acquire is the right to govern. Do we wish to govern simply for the sake of governing? Our Government, it is clear, can get no advantage, there will be nothing but expense. We can never divert any portion of the revenue of a subject country into our Treasury; that is a system which England herself has long since abandoned. Assuming that the islands will pay their own expenses we will then have the responsibility without profit.

Who, then, will profit? Perhaps the carriers of goods and of immigrants; perhaps those who go there to exploit the cheap labor of the country. How will they exploit it? Simply by raising products in that country with cheap labor that we raise in this country with expensive labor. Their profit will come out of the consumers of this country and at the expense of our domestic producers. If we wish to sell wheat, corn, and agricultural implements, and manufactured goods, is it not better to sell them to sugar producers and tobacco producers upon our own soil rather than pass them by and send such products 7,000 miles away to sugar producers and tobacco growers there?

It should be recollected that we can never buy anything without giving something in return. We lose as much wealth as we acquire. We certainly can not expect to sell more than we buy very long, for if we sell to the Philippines for any great length of time more than we buy, the result would be that the Philippines would be denuded of their money and would be without purchasing power of any kind.

Duty, interest, and constitutional obligation, therefore, all point to the advantage of maintaining the integrity of our governmental and industrial system; of adhering to the humanitarian purpose with which we started out in the war; of pacifying the Philippines as we are pacifying Cuba; of erecting there a stable government under a constitution and laws which will protect the welfare of the Filipinos; of retaining there necessary coaling and naval stations; of cultivating the friendly feeling of the Filipinos, and thus building up an enduring commerce in the Orient upon the solid foundation of justice and peace. [Loud applause.]

Mr. HOPKINS. Mr. Chairman, the bill under consideration provides:

That on and after the passage of this act the same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Puerto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries.

It does not provide for free trade between the islands and the United States, but fixes the rate of duty that shall be paid on all imports from Puerto Rico into the United States at 25 per cent of the duties charged on like articles from other foreign ports, and provides also that all articles imported into Puerto Rico from the United States shall only pay 25 per cent of the rate of duty imposed there upon like articles from other foreign countries, with this proviso, that on all articles imported from Puerto Rico into the United States where internal-revenue duty is imposed in this country that the custom duty shall be 25 per cent of the duty imposed on like articles from foreign countries plus the revenue tax levied and collected on the articles produced or manufactured in this country. It will thus be seen that under this bill the question is presented as to whether Puerto Rico and the Philippine Islands, under the treaty of peace entered into between this Government and Spain, become integral parts of the United States or whether they can be treated as territory, and separate and distinct custom laws and internal-revenue laws imposed there from what are levied, collected, and paid in the United States. The issue presented in this bill, as thus briefly stated, is of paramount importance to the people of this country.

The treaty of peace negotiated between the United States and Spain was a great triumph of American diplomacy and American statesmanship. It fixed the terms of settlement at the conclusion of a war the most brilliant of any in the history of our country. There is a destiny that shapes the affairs of nations as well as of men. The American Republic in all of its splendid career has had the favoring countenance of an allwise and just God. Never in its history, however, has the interposition of Divine Providence been more manifest than in our relations with Spain in the late war.

I have neither the time nor the inclination to review in any detail the circumstances which led to the declaration of war against

Spain. This is all familiar history, known to every member on the floor, and a subject with which the great mass of our fellow countrymen are entirely familiar. The war was declared by our Government in obedience to an almost universal demand of the American people. Party lines were obliterated, sectional differences forgotten, factional disturbances were laid aside, and the people, almost with the voice of one man, demanded of the Government of the United States not only a declaration of war but the expulsion of Spanish authority from the Western Hemisphere.

In the accomplishment of this great purpose the fortunes of war took Admiral Dewey, in the early hours of the morning on the 1st day of May, 1898, into the harbor of Manila. The brilliant naval engagement which followed eclipsed in splendor any sea fight of ancient or modern times. Lord Nelson, the great British admiral, in all of his wonderful career on the sea, never achieved so brilliant a victory as the one gained by Dewey over the Spanish fleet in Manila Harbor. That great naval battle not only placed Dewey's name among the immortals, but it fixed duties and responsibilities upon the Government of the United States so momentous, so far-reaching, that the wisest and ablest in our midst are unable to agree as to their proper solution. Four problems faced our commissioners when they assembled in Paris to negotiate the treaty of peace with the Spanish commissioners as to what disposition should be made of the Philippine Islands:

First, our Army and Navy could be withdrawn from the islands and Spain again be given the power and authority she was exercising at the time Admiral Dewey's fleet first sailed into Philippine waters. Second, the islands could be given over to the inhabitants themselves. Third, the islands could be taken and divided among European nations. Fourth, the islands could be held by the United States under the terms and stipulations expressed in the treaty of peace. The reasons that were urged by the people of this country for the expulsion of the Spaniards from Cuba were equally potent against our commissioners allowing Spain to reassert her sovereignty over the Philippine Islands. Our duty to humanity, to our own citizens, and the people of those islands demanded that the strong arm of this Government should be maintained there to provide against anarchy, bloodshed, and riot that would inevitably follow the turning of them over to the people themselves under present conditions. No self-respecting American, no lover of his country, ambitious for its future on land and sea, could for a moment think of that great archipelago, with its future possibilities, being turned over to the grasping ambition and avarice of the European nations, who are to-day attempting to absorb the greater part of the Asiatic and oriental trade from America. There was but one thing left for the American commissioners to do, and that was to provide for the cession of those islands to the United States.

The consensus of opinion in this country to-day, Mr. Chairman, approves the wise action of these able and distinguished commissioners. The people of this country unite in their approval of the President's course in all our relations with Spain; and history, I am sure, will vindicate also the wisdom of his course. When war was declared no one dreamed that the far-off Orient would witness the first scenes of hostilities between the two nations. Our thoughts, our expectations, and our hopes were all centered in the fleet that was to blockade Cuban ports, and in the army that was to invade Cuban soil.

The god of war ordained it otherwise, and placed under our naval and military control the islands which are to-day inhabited by millions of people representing various stages of political development, from savagery to civilization. I approve with my whole heart the cession of these islands to the United States, and I do not join with those who indulge in dark forebodings of the future because of the problems which have arisen on account of their acquisition.

I believe that the American Republic is destined to grow in all the elements that make a great nation more rapidly in the future than in the past and that its influence will be marked and potent among all the nations of the earth. I believe that these great results can be brought about without endangering our domestic institutions or without impairing those great principles of liberty and free government that are the heritage of every American citizen. I thank God that I was born an optimist instead of a pessimist; that I can see something good in men rather than evil; that political organizations are formed for the betterment of the people of our country rather than for corrupt purposes and the spoils of office, and that in our Government we can go on increasing our trade, our commerce, our population and wealth, and in all the elements that go to make up a great sovereignty, without impairing any of those conditions so sacred to the fathers of the Republic and so important a factor in the perpetuation of republican institutions.

I believe that the Constitution of the United States is broad enough and elastic enough to enable us to control the inhabitants of those islands and give them a larger liberty and a higher civilization than they have heretofore enjoyed without impairing in

the least the integrity of our domestic institutions or entailing upon our people any additional taxation. I recognize the fact that it would be inopportune to engage in a long and elaborate argument to show what the powers are of our Government and the manner in which they should or can be exercised. I take it, Mr. Chairman, that these questions have been sufficiently discussed to satisfy every fair-minded man that the United States Government has the constitutional power to acquire these islands. If there is any doubting Thomas among us at this late day I would call his attention to the remarks of Chief Justice Marshall in the case of *American Insurance Company vs. Canter* (1 Peters, 542), in which case, speaking for the court, he said:

The Constitution confers absolutely on the Government of the Union the powers of making war and of making treaties; consequently, that Government possesses the powers of acquiring territory, either by conquest or treaty. * * * If it be ceded by the treaty, the acquisition is confirmed, and the ceded territory becomes a part of the nation to which it is annexed, either on the terms stipulated in the treaty of cession or on such as its new master may impose.

There are many other decisions of the Supreme Court of the United States which confirm the doctrine here announced. This is practically only asserting the sovereign power of the United States. When England recognized our independence, and we took a place among the sovereign nations of the earth, we took it with all the power and authority that can be exercised by any other independent sovereignty in all this world. The power of acquiring and of disposing of territory is an incident of sovereignty itself.

It could be exercised by the United States Government if there were nothing in the Constitution relating to the subject, but, as this great and eminent Chief Justice said, under the Constitution which unites the separate States into one grand Republic the article which provides for the declaration of war and the making of treaties carries with it the power to either acquire or dispose of territory at the sovereign will of the United States Government. Therefore the President, in authorizing his commissioners to enter into the articles of the treaty of peace between this Government and Spain, to acquire by cession from the Spanish Government Puerto Rico and the Philippine Islands, was simply exercising the sovereign rights inherent in our Government.

No man conversant with international law and familiar with the Constitution of the United States will contend for a moment that the acquisition of those islands was unconstitutional or beyond the power of the Government. As to what our relations to those islands shall be under the treaty of peace is, however, quite a different question. I have been greatly interested in the discussion which has been carried on in this House and in the Senate on this subject. Men whom I believe are honest in their convictions differ widely; some contend that by the very acquisition of those islands they become an integral part of the United States and that the inhabitants, varying as they do from savagery to semicivilization and perhaps to civilization, are guaranteed under our Constitution all the rights, privileges, and immunities that form the sacred inheritance of every American citizen. I have given very careful and anxious thought to that subject, and, speaking only for myself, I am entirely clear as to the status that will be held by the people of those islands and the relations that the islands themselves will bear to the Government of the United States under the Constitution.

You will note, Mr. Chairman, that in the treaty of peace itself our commissioners, with a wise forethought and a display of statesmanship that is creditable indeed, have provided in the ninth article of that treaty that "The civil rights and political status of the native inhabitants of the territory hereby ceded to the United States shall be determined by the Congress," thus leaving the whole question open to be determined by the legislation that shall be enacted by this or future Congresses. I have very pronounced convictions on this subject. I believe that territory acquired by the United States as Puerto Rico and the Philippine Islands have been acquired, under this treaty of peace between our Government and Spain, becomes the property of the United States Government and not a part of it, and that under the Constitution Congress can make such disposition of the islands as the members of the House and Senators may deem for the best interest of the people of this country and the inhabitants of the islands.

I believe, further, that under the reservation in the treaty by which the civil rights and the political status of the native inhabitants are to be determined by Congress we can make such legislation regarding them as we shall see fit, consistent with the principles of our free Republic. I am aware, sir, that in announcing this position I take issue with the great mass of the gentlemen who are opposed to the present Administration and who are seeking to embarrass the Government. But, sir, in assuming the power of the Government both over these islands and the people as well, I am announcing no new doctrine of constitutional law and am asserting no new principle of legislation. These principles which I maintain have been asserted by abler men and maintained by more

cogent reasons than I can express. Chancellor Kent, in speaking on this very subject, said:

It would seem from these various Congressional regulations of the Territories belonging to the United States (Territorial regulation acts) that Congress has supreme power in the government of them, depending on the exercise of their sound discretion. That discretion has hitherto been exercised in wisdom and good faith and with an anxious regard for the security of the rights and privileges of the inhabitants as defined and declared in the ordinance of July, 1787, and in the Constitution of the United States. "All admit," said Chief Justice Marshall, "the constitutionality of a Territorial government." But neither the District of Columbia nor a Territory is a State within the meaning of the Constitution or entitled to claim the privileges secured to the members of the Union. This has been so adjudged by the Supreme Court. Nor will a writ of error or appeal lie from a Territorial court to the Supreme Court unless there be a special statute provision for that purpose. * * * If, therefore, the Government of the United States should carry into execution the project of colonizing the great valley of the Columbia or Oregon River, to the west of the Rocky Mountains, it would afford a subject of grave consideration what would be the future civil and political destiny of that country. It would be a long time before it would be populous enough to be created into one or more independent States; and in the meantime, upon the doctrine taught by the acts of Congress, and even by the judicial decisions of the Supreme Court, the colonists would be in a state of the most complete subordination and as dependent upon the will of Congress as the people of this country would have been upon the King and Parliament of Great Britain if they could have sustained their claim to bind us in all cases whatsoever.—*Commentaries*, Vol. I, 385.

Judge Story, one of the ablest judges who ever sat upon the bench of the Supreme Court of the United States, and whose work on the Constitution is a recognized authority in this country and in England, said:

The power of Congress over the public territory is clearly exclusive and universal; and their legislation is subject to no control, but is absolute and unlimited, unless so far as it is affected by stipulations in the cessions, or by the ordinance of 1787, under which any part of it has been settled.—*Commentaries*, section 1328.

I think, sir, that a careful analysis of the decisions of the Supreme Court of the United States will support my contention that the ceded islands become the property of, and not an integral part of, the United States. In support of that position I desire to briefly call the attention of members of the House to what Mr. Justice Bradley said in the case of *Mormon Church vs. United States* (136 U. S., page 42):

The power of Congress over the Territories of the United States is general and plenary, arising from and incidental to the right to acquire the territory itself and from the power given by the Constitution to make all needful rules and regulations respecting the territory or other property of the United States. It would be absurd to hold that the United States has power to acquire territory and no power to govern it when acquired. The power to acquire territory * * * is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty, and belong to all independent governments. The power to make acquisitions of territory, by treaty and by cession, is an incident of national sovereignty. The Territory of Louisiana, when acquired from France, and the Territories west of the Rocky Mountains, when acquired from Mexico, became the absolute property and domain of the United States, subject to such conditions as the Government, in its diplomatic negotiations, has seen fit to accept relating to the rights of the people then inhabiting those Territories. Having rightfully acquired said Territories, the United States Government was the only one which could impose laws upon them, and its sovereignty over them was complete. No State of the Union had any such right of sovereignty over them; no other country or government had any such right. These propositions are so elementary and so necessarily follow from the condition of things arising upon the acquisition of new territory that they need no argument to support them.

Long prior to the date of this decision Mr. Justice Nelson, speaking for the Supreme Court of the United States in the case of *Brenner vs. Porter* (9 How., 242), said:

They (speaking of Territories) are not organized under the Constitution nor subject to its complex distribution of the powers of government, as the organic law, but are the creations, exclusively, of the legislative department and subject to its supervision and control.

As late as February, 1898, this question was before the circuit court of appeals of the United States for the ninth district, and the doctrine here announced by the Supreme Court in the decisions to which I have referred was reaffirmed by that court. Mr. Justice Morrow, who delivered the opinion of the court, evidently reexamined the whole question and carefully considered all the authorities cited on the subject by the lawyers on both sides of the case and came to the conclusion which I have maintained here to-day, and which has been so tersely and beautifully expressed by Mr. Justice Bradley in the decision to which I have adverted. Mr. Justice Morrow, in speaking for the court, used the following language:

The answer to these and other like objections urged in the brief of counsel for defendant is found in the now well-established doctrine that the Territories of the United States are entirely subject to the legislative authority of Congress. They are not organized under the Constitution, nor subject to its complex distribution of the powers of government as the organic law, but are the creation exclusively of the legislative department and subject to its supervision and control. (*Brenner vs. Porter*, 9 How., 235, 242.) The United States, having rightfully acquired the territory, and being the only Government that can impose laws upon them, has the entire dominion and sovereignty, national and municipal, Federal and State. (*Insurance Co. vs. Canter*, 1 Pet. 511, 542; *Cross vs. Harrison*, 16 How., 164; *National Bank vs. Yankton Co.*, 101 U. S., 129, 133; *Murphy vs. Ramsey*, 114 U. S., 15, 44, 5 Sup. Ct., 747; *Late Corporation of Church of Jesus Christ of Latter-Day Saints vs. U. S.*, 181, 11 Sup. Ct., 949; *Shively vs. Bowlby*, 152 U. S., 1, 43, 14, Sup. Ct., 543.) * * * It may legislate in accordance with the special needs of each locality, and vary its regulations to meet the conditions and circumstances of the people. Whether the subject elsewhere would be a matter of local police regulation or within State control under some other power it is immaterial to consider.

In a Territory all the functions of government are within the legislative jurisdiction of Congress, and may be exercised through a local government or directly by such legislation as we have now under consideration. (Endleman vs. United States, 86 Fed. Rep., 456.)

This, I think, is the latest expression on this subject by the courts. Gentlemen will see that it is in line with the spirit of the law as originally announced by Mr. Chief Justice Marshall and later by Mr. Justice Bradley. The members who are interested in the study of this question and who take any pleasure in examining the authorities will find that not only is the opinion rendered by Mr. Justice Morrow correct, but will also find that Mr. Justice Bradley, in the opinion on this subject rendered by him, collects and reviews all the intervening decisions from 1 Peters to the one which was rendered by him and which is published in 136 U. S. Reporter; so that I hazard nothing in saying that the Supreme Court of the United States has held that the acquisition of territory where it is held as territory is the property of the United States. The Supreme Court in 18 Wallace, page 320, said:

During the term of their pupillage as Territories they are mere dependencies of the United States. All political authority exercised therein is derived from the General Government.

Indeed, Mr. Chairman, my examination of this subject has caused me to express feelings of surprise that men question the constitutional status of these people under the treaty of peace, or question the status of the islands themselves, so far as the power and authority of the Congress of the United States over them is concerned. They may rely, however, upon the decisions of the Supreme Court of the United States relating to the right of trial by jury in the Territories, to citizenship, and the apportionment of taxes, etc.

Mr. COCHRAN of Missouri. Will the gentleman allow me to ask him a question?

Mr. HOPKINS. I will yield to the gentleman.

Mr. COCHRAN of Missouri. I want to inquire of the gentleman if he believes that had that part of the treaty for the purchase of Louisiana with France been omitted, could Congress have passed a law interfering with the religious liberty of the people of the Louisiana purchase?

Mr. HOPKINS. I want to say to the gentleman that if there had been no provision of that kind, the power of Congress would have been as unlimited as England in treating her colonies before the war of the Revolution, in the language of Judge Kent, and one as great as she exercises over her other provinces at the present time.

Mr. COCHRAN of Missouri. One further question.

Mr. HOPKINS. I can not yield further.

Mr. COCHRAN of Missouri. It will be very brief.

Mr. HOPKINS. Now, Mr. Chairman, when I was interrupted by the gentleman from Missouri I was attempting to show that under this constitutional provision the treaty of cession became the supreme law of the land, and enabled a person living within the limits of the Territory to invoke the powers of the Constitution in his behalf precisely as he would if he had lived within the limits of a State.

When we come to understand this, we can readily see that the Supreme Court of the United States in passing upon the question as to the right of trial by jury would use language that may be found in those decisions; that when they came to pass upon any of the questions relating to police powers they would use such language as they do without ever assuming the grave proposition that has been announced by the gentlemen on the other side of the Chamber in this debate.

I am well aware that expressions can be found in a number of cases decided by that great tribunal which give color to the position assumed by gentlemen on the other side of the Chamber, who contend that the Constitution *ex proprio vigore* extends to the Philippine Islands and Puerto Rico. I have carefully studied each of these decisions, and I think when they are properly considered they are in harmony with the position I assume and in harmony with the decisions of the courts which I have cited above in support of the doctrine that these newly acquired possessions are the property of the United States and subject to such legislation as Congress may see fit to enact respecting them. To properly understand those decisions it may be necessary to call the attention of the members of the House to the different treaties negotiated by this country with foreign countries in the acquisition of territory.

The first territory we acquired by treaty was during the year 1803, and is known as the Louisiana purchase. Article III of the treaty negotiated between this country and France reads as follows:

The inhabitants of the ceded territory shall be incorporated into the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of the citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess.

When it is remembered that by Article VI of the Constitution "all treaties made, or which shall be made, under the authority of

the United States, shall be the supreme law of the land," it becomes apparent at once that when the treaty from which I have just quoted was approved by the President and the Senate it became the supreme law of the United States and extended to the citizens living within the limits of the Louisiana purchase the rights and privileges of citizens of the States. It is also apparent that this vast territory was acquired by the Government of the United States for the purpose of being incorporated into the Union and giving the inhabitants thereof all the rights, privileges, and immunities of the people of the thirteen original States.

Florida was ceded to the United States by Spain in 1819 under a treaty containing a similar provision to the one just quoted relating to the Louisiana territory. And the treaty by which New Mexico, California, Utah, and the other territory acquired from Mexico was ceded by that country to the United States contained a provision similar to that contained in the treaties concerning Florida and the province of Louisiana. You thus see that by the treaty, which under the Constitution becomes the supreme law of the land, certain rights under the Federal Constitution were conferred upon the inhabitants of the ceded territory. In none of these cases has the court said, independent of any treaty arrangement or act of Congress, that the Constitution *ex proprio vigore* extends to newly acquired possessions. When we acquired the Alaskan territory, a somewhat different agreement was entered into with Russia with reference to the territory itself and to the people living therein. That treaty, among other things, provided as follows:

But if they should prefer to remain in the ceded territory, they, with the exception of the uncivilized tribes, shall be admitted to the enjoyment of all rights, advantages, and immunities of citizens of the United States, and shall be protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes shall be subject to such regulations as the United States may from time to time adopt in regard to the aboriginal tribes of that country.

From this it is apparent that, aside from the acquisition of the Hawaiian Islands, all of the territory which we acquired prior to the cession of the Philippine Islands and Puerto Rico was under the treaty stipulations which extended to the inhabitants certain of the rights, under the Constitution, of American citizens.

Loughborough vs. Blake (5 Wheaton, 317) is the leading case relied upon by those who argue that the Constitution *ex proprio vigore* extends to all of our newly acquired possessions. That case was decided in 1820. The opinion was delivered by Chief Justice Marshall. It arose out of substantially the following facts: January 9, 1815, Congress passed an act laying an annual direct tax of \$3,000,000 upon the several States that formed the United States Republic, naming the States, eighteen in all. The amount was apportioned among them as provided by the Constitution. February 27, 1815, Congress passed another act which in effect extended the first act to the District of Columbia. A resident of the District of Columbia resisted payment on the ground that the act extending the original act to the District of Columbia was unconstitutional. His property was seized and he brought trespass against the officer making the seizure.

The judgment of the court can be sustained fully on the grant of full legislative power found in Article I, section 8, subsection 17, of the Constitution. In delivering the opinion of the court, however, Chief Justice Marshall used language which implies that the "United States" means the States and Territories. This part of the opinion is conceded by all lawyers to be dictum, and that it is so regarded by the Supreme Court of the United States is apparent from the language of Mr. Justice Gray in the case of *Gibbons vs. The District of Columbia* (116 U. S. Rep., 407). In speaking of the case of *Loughborough vs. Blake* he said:

The point there decided was that an act of Congress laying a direct tax throughout the United States in proportion to the census directed to be taken by the Constitution might comprehend the District of Columbia; and the power of Congress, legislating as a local legislature for the District, to levy taxes for District purposes only, in like manner as the State legislature of a State may tax the people of a State for State purposes, was expressly admitted and has never since been doubted.

Chief Justice Marshall, in his opinion, did not make the distinction which clearly exists that the term "United States" has a dual meaning. One, international, which means the empire of the United States, including the States that exist under the Constitution and all the territory as well. This term is conventional. It is a term that is used the same as we speak of the German Empire, and has no relation to the Constitution itself, which unites the forty-five States into one Federal Republic. In its constitutional meaning the term "United States" relates entirely to the States forming the Federal Republic, and it is in that sense in which it is used in the different provisions in the Constitution itself. As I have already shown, it was unnecessary for the Chief Justice to have used the language he did in upholding the constitutionality of the act in question, and it is apparent also that he did not give the significance to that language which has been given to it by our Democratic friends, from the fact that he was the judge who wrote the opinion in the *Canter* case, reported in 1 Peters. The *Canter* case, while it does not in express terms

overrule the dictum of Chief Justice Marshall in *Loughborough vs. Blake*, uses language which is entirely inconsistent with the idea that a Territory, as such, is comprehended within the limits of the Constitution of the United States.

Indeed, Chief Justice Marshall himself, in the case of *Hepburn vs. Ellzey* (2 Cranch, 445), fully determined that a Territory is not a State and not comprehended within the limits of the Constitution. In that case a resident of the District of Columbia brought suit in the United States court for the district of Virginia against a citizen of Virginia. The defendant contended that as a citizen of the District of Columbia he had no authority under the Constitution to bring such a suit. In determining that question Chief Justice Marshall said:

On the part of the plaintiffs it has been urged that Columbia is a distinct political society and is therefore a State according to the definitions of writers on general law. That is true. But as the act of Congress obviously uses the word "State" in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a State in the sense of that instrument. The result of that examination is a conviction that the members of the American Confederacy only are the States contemplated in the Constitution.

Again, in the case of *New Orleans vs. Winter* (1 Wheaton, 92), Chief Justice Marshall uses this language:

It has been attempted to distinguish a Territory from the District of Columbia; but the court is of opinion that this distinction can not be maintained. They may differ in many respects, but neither of them is a State in the sense in which that term is used in the Constitution.

Scott vs. Sanford (19 Howard) is another case which is much relied upon by those who hold that our newly acquired possessions must be controlled, if at all, under the provisions of the Constitution. A mere statement of the issue involved in that case, as it seems to me, will determine the fact that it can not be urged as an authority to guide us in the determination of our action in legislating for Puerto Rico and the Philippine Islands. *Scott* was a slave, and his master took him from Missouri, where he was then a resident, into the State of Illinois and resided there for two years, and then into the Territory of Minnesota and resided there for two years. He then went back into the State of Missouri with his slave, and after he had become again domiciled in the State of Missouri *Scott* sued in the State courts for his freedom.

The supreme court of Missouri held that it did not possess jurisdiction beyond the territorial limits of the State and that it could not invoke the laws of Illinois or of the Territory of Minnesota to establish his freedom. The case was then taken into the Federal courts, and the only issue presented there and the only issue decided by the Supreme Court of the United States was as to whether that court had jurisdiction of the case. The decision of the court was that it did not possess jurisdiction. Whatever was said outside of that one issue was the dictum of the judge and not the decision of the court. We all know under what political excitement the opinions of the Chief Justice and his associates were delivered. They were simply the expression of political opinions and are not entitled to any weight as judicial expressions. That I am correct in this is apparent from the fact that it has never been relied upon by the courts and rarely has it been referred to in judicial opinions.

American Publishing Company vs. Fisher (166 U. S., 464), the *Slaughter House Cases*, *Springville vs. Thomas* (166 U. S., 707), *Thompson vs. Utah* (170 U. S., 343), and many other cases that I might speak of have been referred to in this debate as supporting the doctrine that our newly acquired possessions have become an integral part of the United States and that the inhabitants thereon are entitled to the protection guaranteed to citizens under our Constitution. Those cases when properly analyzed do not support that contention. That issue was not before the court in any of these cases. The language that has been relied upon is simply the dictum of the justice who prepared the decision for the court. Every person familiar with the decisions of our courts can readily understand that even the judge himself preparing the opinion would not wish to be bound to the exact and literal interpretation of every expression used in the way of illustrating the issue that is determined in the opinion.

All of these cases arose under such different conditions from those that now confront us that it is preposterous to hold that all or any of them are authorities to guide us in legislating for Puerto Rico or the Philippine Islands. I venture the assertion that none of these decisions would have any weight with the Supreme Court, or at the most very little weight, when called upon to decide the constitutionality of the bill which we are now considering. We are confronted in this legislation with the acquisition of territory under different terms from any previous acquisition in the history of the Republic. The location of the islands, climatic conditions, the inhabitants themselves and their known incapacity at the present time for self-government will all have a powerful influence with the court in determining the constitutionality of our action.

It is a maxim not to be disregarded that general expressions in every opinion are to be taken in connection with the case in which those expressions are used. If they go beyond the case they must be respected, but ought not

to control the judgment in a subsequent suit when the very point is presented for decision. The reason of this maxim is obvious. The question actually before the court is investigated with care and considered in its fullest extent. Other principles which may serve to illustrate it are considered in their relation to the case decided, but their possible bearing on all other cases is seldom completely investigated.

This is the language of Chief Justice Marshall in the case of *Cohens vs. Virginia* (6 Wheaton, 264).

In *re Ross* (140 U. S. Rep., 453) the Supreme Court of the United States upheld a consular court established by Congress in Japan, consisting of a consul and four associates. A person charged with murder on an American vessel in Japanese waters was tried before this consular court without a jury and without any of the safeguards provided by the Constitution. He was found guilty and sentenced to be executed. The sentence, however, was commuted by the President to life imprisonment, and he was sent to the penitentiary at Albany, N. Y., to serve out his life sentence. While he was serving out his life sentence he sued out a writ of habeas corpus and raised the question as to the constitutionality of the court which had tried him, claiming that under the Constitution of the United States he had a right to trial by jury. The court held him to have been properly convicted, and upheld the act of Congress creating the court. This case is in harmony with those which I have already cited in support of the doctrine that Congress is supreme in the territories we have just acquired, and that the civil rights and the political status of the people of those islands can be fixed by Congress independent of any of the provisions or limitations in the Constitution.

In the first case to which I have referred in my remarks here to-day—the *Canter* case, reported in 1 Peters—Daniel Webster was of counsel in the case. It was a case that arose out of the sale of cotton by order of a Territorial court in the Territory of Florida. Mr. Webster, in his argument, went into a full exposition of the relations of the Territories to the Government of the United States. This, mark you, was in 1828, more than seventy years ago, and only a few years, comparatively speaking, after our Government had been organized under the Constitution. None of the decisions to which I have here referred had been rendered, but Mr. Webster, with that marvelous analytical ability which he possessed, with that knowledge of the Constitution and its proper construction which he always displayed when discussing these questions, contended that the Constitution did not extend over acquired territory; that territory itself was the property of the United States, and that Congress was the supreme power in legislating for such territory.

The treaty of cession by which the United States became possessed of the Territory of Florida was so worded that the Supreme Court was not required to specifically and in exact language determine the proposition as Mr. Webster presented it to the court, but the spirit of that decision was along the line of the argument presented by Mr. Webster. Later decisions, as I have clearly shown here to-day, are all in harmony with the position that that great constitutional lawyer maintained. How comes it, then, that in the closing days of the nineteenth century, and after more than a hundred years of constitutional government, we find men apparently learned in the law who take the opposite position, and who insist that the acquisition of the Philippine Islands under the treaty of peace with Spain makes them an integral part of the United States and gives to the inhabitants there all of the rights, privileges, and immunities of American citizens?

I think I can explain it, Mr. Chairman. These men are resurrecting a doctrine that ought to have gone down forever in the smoke and battle of the civil war. This principle, which has been resurrected for the purpose of creating trouble for this Administration and the Republican party, is simply a doctrine, clothed in a new garb, that was invented by John C. Calhoun, a brilliant intellect, but perverted by disappointed ambition into the narrowest of a State-rights advocate, and the inventor of the nullification doctrine of 1832—the principle upon which the people of the South in 1861 sought to establish a Confederate government. It is one of the old cries for the extension of slavery, resurrected in this arena and at this time to frighten the people of this country in the great emergency which confronts us.

In speaking as I do, Mr. Chairman, of Mr. Calhoun being the father of this doctrine, and that it was a dogma invented in support of slavery, I am following the beaten path that was prepared for all who came after by the most distinguished Senator Missouri ever had in the Senate of the United States, namely, Thomas H. Benton. I crave the indulgence of the House while I read to my Democratic friends what he said. I read from the second volume of Mr. Benton's work, page 712, entitled "Thirty Years' View:"

The resolutions of 1847 went no further than to attempt to deny the power of Congress to prohibit slavery in a Territory, and that was enough while Congress alone was the power to be guarded against, but it became insufficient, and even a stumbling block, when New Mexico and California were acquired, and where no Congressional prohibition was necessary, because their soil was already free. Here the dogma of 1847 became an impediment to the territorial extension of slavery, for in denying power to legislate upon the subject the denial worked both ways, both against the admission and exclusion.

It was on seeing this consequence as resulting from the dogmas of 1847 that Mr. Benton congratulated the country upon the approaching cessation of the slavery agitation; that the Wilmot proviso being rejected as unnecessary, the question was at an end, as the friends of slavery extension could not ask Congress to pass a law to carry it into a Territory. The agitation seemed to be at an end and peace about to dawn upon the land. Delusive calculation! A new dogma was invented to fit the case, that of the transmigration of the Constitution (the slavery part of it) into the Territories, overriding and overruling all the anti-slavery laws which it found there, and planting the institution there under its own wing, and maintaining it beyond the power of eradication either by Congress or the people of the Territory. Before this dogma was proclaimed efforts were made to get the Constitution extended to these Territories by act of Congress. Failing in these attempts, the difficulty was leaped over by boldly assuming that the Constitution went of itself—that is to say, the slavery part of it.

In this exigency Mr. Calhoun came out with his new and supreme dogma of the transitory function of the Constitution in the ipso facto and the instantaneous transportation of itself in its slavery attributes into all acquired Territories. This dogma was broached by its author in his speech upon the Oregon Territorial bill. History can not class higher than as a vagary of a diseased imagination this imputed self-acting and self-extension of the Constitution. The Constitution does nothing of itself, not even in the States for which it was made. Every part of it requires a law to put it into operation. No part of it can reach a Territory unless imparted to it by act of Congress. Slavery, as a local institution, can only be established by local legislative authority. It can not transigrate, can not carry along with it the law which protects it; and if it could, what law would it carry? The code of the State from which the emigrant went? Then there would be as many slavery codes in the Territory as States furnishing emigrants, and these codes varying more or less, and some of them in the essential nature of the property—the slave in many States being only a chattel interest, governed by laws applicable to chattels; in others, as in Louisiana and Kentucky, a real estate interest, governed by the laws which apply to landed property. In a word, this dogma of the self-extension of the slavery part of the Constitution to a Territory is impractical and preposterous, and as novel as unfounded.

I desire to emphasize the fact that in the whole history of our legislative government no man before Mr. Calhoun, in either branch of Congress, had ever asserted that doctrine. You will mark this, that prior to this time we had acquired the Louisiana territory, Florida, New Mexico, and California; in fact, we had extended our territory from the circumscribed limits of the thirteen original States until we had reached from ocean to ocean; we had acquired an empire in territorial extent, and yet none of the leaders in either of the great political parties ever dreamed for a moment that the Constitution extended itself over it *ex proprio vigore* as is contended by our Democratic friends to-day. Fortunately for us in the elucidation of this question and the proper construction of the Constitution, Daniel Webster, the great expounder of that instrument, was living and a member of the Senate of the United States when Mr. Calhoun gave utterance to that doctrine which has been so strongly condemned by Mr. Benton.

This was more than twenty years after Mr. Webster had presented his views to the Supreme Court of the United States in the case of *Insurance Company vs. Canter* (1 Peters). It was after his life had been enriched by his experience in the courts of his country, in the Senate, and as Secretary of State. Mr. Webster refuted Mr. Calhoun's position in language to which I desire to call the attention of my fellow-members. His exposition is so lucid and so profound that, in my judgment, it does not leave anything to be said by others.

Let me say that in this general sense there is no such thing as extending the Constitution. The Constitution is extended over the United States and over nothing else. It can not be extended over anything except over the old States and the new States that shall come hereafter, when they do come in. There is a want of accuracy of ideas in this respect that is quite remarkable among eminent gentlemen, and especially professional and judicial gentlemen. It seems to be taken for granted that the right of trial by jury, the habeas corpus, and every principle designed to protect personal liberty is extended by force of the Constitution itself over every new Territory. That proposition can not be maintained at all. How do you arrive at it by any reasoning or deduction? It can only be arrived at by the loosest of all possible construction. It is said that this must be so, else the right of habeas corpus would be lost. Undoubtedly these rights must be conferred by law before they can be enjoyed in a Territory.

Sir, if the hopes of some gentlemen were realized, and Cuba were to become a possession of the United States by cession, does anybody suppose that the habeas corpus and the trial by jury would be established in it by the mere act of cession? Why more than election laws and the political franchises or popular franchise? Sir, the whole authority of Congress on this subject is embraced in that very short provision that Congress shall have power to make all needful rules and regulations respecting the territories of the United States. The word is territories, for it is quite evident that the compromises of the Constitution looked to no new acquisitions to form new territories. But as they have been acquired from time to time, new territories have been regarded as coming under that general provision for making rules for territories. We have never had a territory governed as the United States is governed. The legislature and the judiciary of Territories have always been established by a law of Congress. I do not say that while we sit here to make laws for these territories we are not bound by every one of those great principles which are intended as securities for public liberty.

But they do not exist in Territories till introduced by the authority of Congress. These principles do not *proprio vigore* apply to one of the Territories of the United States, because that territory, while a territory, does not become a part and is no part of the United States. * * * One idea further upon this branch of the subject—the Constitution of the United States extending over the Territories and no other law existing there. Why, I beg to know how any government could proceed without any other authority existing there than such as is created by the Constitution of the United States? Does the Constitution of the United States settle titles to land? Does it regulate the rights of property? Does it fix the relations of parent and child, guardian and ward? The Constitution of the United States establishes what the gentleman calls a confederation for certain great purposes, leaving all the great mass of laws which is to govern society to derive their existence from State enactments. That is the just view of the state of things under the Constitution. And a State or Territory that has no law but such as it derives from the Constitution of the United States must be entirely

without any State or Territorial government. * * * How did we govern Louisiana before it was a State? Did the writ of habeas corpus exist in Louisiana during its territorial existence? Or the right to trial by jury? * * *

Well, I suppose the revenue laws are made in pursuance of its provisions; but, according to the gentleman's reasoning, the Constitution extends over the Territories as the supreme law, and no legislation on that subject is necessary. This would be tantamount to saying that the moment territory is attached to the United States all the laws of the United States as well as the Constitution of the United States become the governing will of men's conduct and the rights of property, because they are declared to be the law of the land, the laws of Congress being the supreme law as well as the Constitution of the United States. Sir, this is a course of reasoning that can not be maintained. The Crown of England often makes conquests of territory. Who ever heard it contended that the Constitution of England, or the supreme power of Parliament, because it is the law of the land, extended over the territory thus acquired until made to do so by a special act of Parliament? The whole history of colonial conquest shows entirely the reverse. Until provision is made by act of Parliament for a civil government the territory is held as a military acquisition. It is subject to the control of Parliament, and Parliament may make all laws that they may deem proper and necessary to be made for its government; but until such provision is made the territory is not under the dominion of English law. And it is exactly upon the same principle that territories coming to belong to the United States by acquisition or cession, as we have no *jus coloniae*, remain to be made subject to the operation of our supreme law by an enactment of Congress.

I have referred to the manner in which this doctrine was first suggested in this country, and I have not only shown to you the decisions of the Supreme Court of the United States bearing on this subject, but the views of the most distinguished expounder of our Constitution since the formation of the Federal Republic. Let me now call your attention to an able article on this subject from a historical standpoint written by historian McMaster. It is in the December number of the *Forum*, 1898. The article is well worthy the perusal of every student of American institutions and especially of every man desiring to obtain light on the subject now under consideration. It is written with all the facility of expression and profound research of that able historian. The conclusion he reaches is as follows:

A review of the history of suffrage in the Territories thus makes it clear that foreign soil acquired by Congress is the property of and not part of the United States; that the Territories formed from it are without, and not under, the Constitution, and that in providing them with governments Congress is at liberty to establish just such kind as it pleases with little or no regard for the principles of self-government; that in the past it has set up whatever sort was, in its opinion, best suited to meet the needs of the people, never stopping to ask how far the government so created derived its just powers from the consent of the governed, and that it is under no obligation to grant even a restricted suffrage to the inhabitants of any new soil we may acquire unless they are fit to use it properly.

If my contention be true, Mr. Chairman, that these islands are only the property of the United States and that the inhabitants only acquire such rights as we may give them by legislation, it follows that we can have separate customs and internal-revenue laws for the islands, and navigation laws applicable to that country and distinct from our own, and, in fact, any legislation that will be for the well-being of the people of those islands and of the people of the States. I dissent in toto from the doctrine contended for by some, that our tariff laws and internal-revenue laws must be the same in these islands as they are in the United States. In addition to what I have already said on this subject, I desire to call the attention of the House to the case of *Fleming vs. Page*. (9 Howard, page 603.) Mr. Webster, who was of counsel in that case, in his argument said:

That there was a difference between the Territories and the other parts of the United States. Judges were there appointed for terms of years, which the Constitution forbade as to other parts of the country. Hence the part of the Constitution which directs that duties must be equal in all the ports of the United States does not apply to Territories.

Mr. Chief Justice Taney, in delivering the opinion for the court in that case, said:

This construction of the revenue laws has been uniformly given by the administrative department of the Government in every case that has come before it. And it has, indeed, been given in cases where there appears to have been stronger ground for regarding the place of shipment as a domestic port. For after Florida had been ceded to the United States and the forces of the United States had taken possession of Pensacola, it was decided by the Treasury Department that goods imported from Pensacola before an act of Congress was passed erecting it into a collection district and authorizing the appointment of a collector were liable to duty. That is, although Florida had, by cession, actually become a part of the United States, and was in our possession, yet under our revenue laws its ports must be regarded as foreign until they were established as domestic by act of Congress; and it appears that this decision was sanctioned by the Attorney-General of the United States, the law officer of the Government.

And although not so directly applicable to the case before us, yet the decisions of the Treasury Department in relation to Amelia Island and certain ports of Louisiana, after that province had been ceded to the United States, were both made upon the same grounds. And in the latter case, after a custom-house had been established by law at New Orleans, the collector at that place was instructed to regard as foreign ports Baton Rouge and other settlements still in the possession of Spain, whether on the Mississippi, Iberville, or the seacoast. The Department in no instance that we are aware of since the establishment of the Government has ever recognized a place in a newly acquired country as a domestic port from which the coasting trade might be carried on unless it had been previously made so by act of Congress.

The principle thus adopted and acted upon by the executive department of the Government has been sanctioned by the decisions in this court and the circuit courts whenever the question came before them. We do not propose to comment upon the different cases cited in the argument. It is sufficient to say that there is no discrepancy between them. And all of them, so far as they apply, maintain that under our revenue laws every port is re-

garded as a foreign one unless the custom-house from which the vessel clears is within a collection district established by act of Congress and the officers granting the clearance exercise their functions under the authority and control of the laws of the United States.

The enemies of national expansion have created in their imagination a bogey man and with him are trying to frighten the laboring people of this country; they are assuming that the people of that distant and tropical climate will come to the cold regions of the North and drive out our laboring men with their cheap labor. A more groundless argument was never urged. It is almost fantastical when you consider it in its true light. There is not a Malay in this country to-day, and there will not be one an hundred years from now. Why? Because the climatic conditions are such that they will prefer to stay in their own country; they will secure a larger liberty under the administration we shall give them in their own islands than they have heretofore enjoyed, and will remain there instead of coming here to compete with American labor.

But, as I have stated, the treaty of peace under which we have acquired this territory leaves it with the Congress of the United States to provide against any of the contingencies that have been conjured up by the ingenuity of these Democratic speakers who are seeking to throw a stumbling-block in the way of this Administration in the discharge of the responsibilities which it has had thrust upon it by the fortunes of war. We can provide a system of government that will be adapted not only to the conditions of the islands from a climatic standpoint, but adapted to the state of political development of the people. What is important for us now is to demonstrate to them and to the world that America is united in her efforts to maintain peace and order in this territory. They in time will come to understand, as will all the world, that the form of government that we establish in these islands will start the people on an era of progress which has been unknown in their history.

While this is being done it will be necessary for us, in the interest of humanity and the people themselves, to have a stable form of government there and an army sufficiently large to police the islands and drive out freebooters, whether under the leadership of Aguinaldo or any other military or political adventurer. I have grown tired, Mr. Chairman, in listening to the arguments of gentlemen on the other side of the Chamber when they talk about "imperialism," and that an increased Regular Army will stifle the liberty of our countrymen. But when I reflect on the history of my country and note the arguments of ill omen that have ever been addressed to the people when new territory has been acquired, I content myself in the belief that the notes of alarm sounded by the Democrats will fall on deaf ears, as they did on the deaf ears of the fathers of our country, who believed that the acquiring of new and additional territory, instead of weakening, would strengthen the Republic and aid it in its manifest destiny in the elevation of mankind. While these arguments of the pessimists have ever found ready expression with a certain class of public men from the time of the acquisition of the Louisiana territory to that of the Hawaiian Islands, it certainly sounds strange coming from the lips of Democrats.

The patron saint of the Democratic party is Thomas Jefferson, and yet, Mr. Chairman, he was the greatest territorial "expansionist" this Government has ever known. When the opportunity was presented to him by the first Bonaparte to acquire that magnificent empire known as the Louisiana Province, out of which have been carved some of the richest and most populous of our States, did he hesitate? Not a moment! He believed then, as we know now, that the acquisition of that territory would raise the American Republic from the condition of a fourth-rate power to that of a first-class power among the great nations of the world. In our youth and weakness, with an impoverished Treasury, with small means for raising revenue, he authorized his commissioners to pay the French Government the sum of \$15,000,000 for this territory. Is there a man within the sound of my voice to-day who believes that Mr. Jefferson made a mistake in the acquisition of that territory? Is there a man to-day, in the light of our history, who believes that the principles of free government were weakened by the acquisition of this new territory, containing as it did a population who were strangers to our constitutional Government and enemies to our free institutions? And yet, Mr. Chairman, some of the best minds of that day believed as fully as our Democratic friends profess to believe to-day that the acquisition of the Louisiana Territory would work the destruction of the American Republic.

Let me read to you a few sentences from Fisher Ames, one of the most distinguished Federalists of New England, one of the most accomplished men of his time, and one of the most brilliant and fascinating orators that ever addressed an audience:

Now, by adding an unmeasured area beyond that [the Mississippi] river we rush like a comet into infinite space. In our wild career, we may jostle some other world out of its orbit, but we shall, in every event, quench the light of our own. * * * Having bought an empire, who is to be emperor? The sovereign people, and what people? All, or only the people of the dominant States, and the dominant demagogues in those States, who call themselves

the people? As in old Rome, Marius, or Sylla, or Cæsar, Pompey, Antony, or Lepidus will vote themselves provinces and triumphs. * * * But surely it exceeds all my credulity and candor on that head to suppose even they can contemplate a republican form as practicable, honest, or free, if applied when so manifestly inapplicable to the Government of one-third of God's earth.

Mr. Josiah Quincy, of New England, at one time president of Harvard University, and at another time one of the most distinguished men of this body, had this to say in opposition to the acquisition of the Louisiana Territory:

Under the sanction of this rule of conduct, I am compelled to declare it as my deliberate opinion that if this bill passes the bonds of this Union are virtually dissolved; that the States which compose it are free from their moral obligations, and that, as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation, amicably if they can, violently if they must. * * * Do you suppose the people of the Northern and Atlantic States will or ought to look upon with patience and see Representatives and Senators from the Red River and Missouri pouring themselves upon this and the other floor, managing the concerns of a seaboard 1,500 miles at least from their residence, and having a preponderancy in councils into which constitutionally they could never have been admitted? I have no hesitation on this point. They neither will see it nor ought to see it with content. * * * Grasp not too eagerly at your purpose. In your speed after uncontrolled sway, trample not down this Constitution. * * * I have no concealment of my opinion. The bill, if it passes, is a deathblow to the Constitution. It may afterwards linger, but, lingering, its fate will at no very distant period be consummated.

This language of Fisher Ames and Josiah Quincy is as doleful in character as the prophecies which have been expressed by gentlemen on the other side of this Chamber in relation to the Philippine Islands. Mr. Chairman, it is my deliberate opinion that their statements and their prophecies are as ill-timed and their forebodings as little likely to prove true as were those of the opponents of the acquisition of the territory of Louisiana at the period of which I have just spoken. I believe that the United States Government is entering upon a new era of greatness, of expansion, and of glory. The Constitution possesses the elasticity of the fabled tent of the Arab. It was framed and adopted for the government of the thirteen original States, yet it has expanded over a continent. The 75,000,000 people who now live within its borders have the same liberty, the same sacred rights, and the treasured inheritance of free government that were guaranteed by the framers of the Constitution to the people of the thirteen original States.

Under the interpretation that has been given to it by the great legislators of our country and the Supreme Court, the Constitution will enable us to acquire this territory in the Orient, and if we are as wise as those who have preceded us, will enable us to give those people rights of free citizens without infringing in the least upon the privileges and immunities of our own people. I maintain, as I have already stated, that a government can be formed in the Philippine Islands that will be self-supporting through the customs laws that we shall give them and the internal-revenue laws that will follow; and instead of having a standing army of American soldiers there, we can follow the wise example of Diaz in Mexico, who has taken the brigands from the mountains and made them soldier citizens, and has thereby secured the best police officers in the world. We can take native inhabitants for whatever soldiers may be needed and officer them with men trained in our Regular Army and thus insure peace and tranquillity in the islands. By this method, Mr. Chairman, the United States Government will place no new burdens upon our people. Our acquisition of those islands and our government of them will open a wider avenue for our trade. The surplus products of our farms and factories will find a market there and in the far east which would otherwise remain closed to us were the reactionary doctrine advocated by Democratic members of this House and the Senate to be adopted and followed.

Mr. Chairman, the President of the United States has stood forth through all of the great crises of the war and the problems that have followed it as one of the greatest statesmen of his time. He has shown qualities that have not only aroused the admiration of his political enemies, but that have even surprised his personal and political friends. From the first notes of war to this blessed hour every step that he has taken has been so well timed as not only to represent the prevailing sentiment of the Republic, but has been so wisely taken that history will vindicate his every action. [Applause on the Republican side.] Men may stand on this floor and denounce him, but when the grave of oblivion shall have closed over them his name will be recorded in the brightest pages in the history of our Republic. It falls to the lot of those who hold exalted positions to have detractors. He is only experiencing what was meted out to the sainted Lincoln during his Administration from the venomous lips of the political enemies of his party and policy.

History almost repeats itself in many of the expressions that have been indulged in by gentlemen on this floor in their discussion of the questions now under consideration. For the benefit of those men who to-day are denouncing President McKinley and insisting that his attitude is indefensible, I wish to call their attention to some of the expressions that their Democratic predecessors used during the dark and stormy period of the civil war. Senator

Polk, on the 10th of July, 1861, in the Senate of the United States, said, in discussing war measures:

That war has been brought on by the President of the United States of his own motion and of his own wrong; and under what circumstances?

Mr. Vallandigham, on the same day, in the House, said:

I will not now venture to assert what may yet some day be made to appear, that the subsequent acts of the Administration and its enormous and persistent infractions of the Constitution, its high-handed usurpations of power, formed any part of a deliberate conspiracy to overthrow the present form of Federal republican government and to establish a strong centralized government in its stead.

Senator Breckinridge, in the Senate, said:

Then, Mr. President, the Executive of the United States has assumed legislative powers. The Executive of the United States has assumed judicial powers. The executive power belongs to him by the Constitution. He has, therefore, concentrated in his own hands executive, legislative, and judicial powers, which in every age of the world has been the very definition of despotism, and exercises them to-day.

Mr. Burnett, in the House, on July 16, 1861, said:

I say the Republican party will be held responsible for the unhappy condition of our country to-day. I say, in my place here now, that the only disunionists per se this country has ever been cursed with are the leaders of the Republican party.

Again, on July 24, 1861, he said:

You are writing, by indorsing and ratifying the illegal acts of this Administration, one of the saddest, blackest pages in the history of this country.

Mr. Voorhees, of Indiana, on February 20, 1862, said:

A stupendous fraud has been practiced on the nation, and the Army of the United States has been obtained by fraud.

On May 21, 1862, Mr. Voorhees said:

Is this the age of republican simplicity, or are we transported to the days of fraudulent usurpers, to the unhallowed scenes of the Roman Cæsars?

Senator Davis, on February 16, 1864, said:

But in our free and limited government of a written constitution, President Lincoln and his party, in utter disregard of its limitations and restrictions, are making for him the same boundless and despotic powers * * * which the Plantagenets and Tudors and first Stuarts contended for in England.

I read these extracts from speeches made by Democrats of a former generation to show to the Republicans of this House that in pursuing the policy that has been outlined by our party and in sustaining the Administration we are subjecting ourselves to no fiercer criticisms than those hurled against the first President the Republican party gave to this country. We have nothing to fear from these base and groundless charges. Our duty, in my judgment, is clear, and that is, to fearlessly and conscientiously provide for the great emergency that has been placed upon us by this war with Spain. [Applause on the Republican side.] Let us discharge our duty with a firmness and intrepidity that characterized the action of our fathers when the dark cloud of civil war overhung our national horizon, and the people of to-day will as surely approve our conduct as did the people of a generation ago approve the conduct of President Lincoln and his advisers when they were exercising every power of the Constitution for the maintenance of the Union and the integrity of our Federal Republic. [Prolonged applause.]

Mr. SWANSON. Mr. Chairman, the President, in his annual message to Congress, told us that it was "our plain duty to abolish all customs tariff between the United States and Puerto Rico, and to give to her products free access to our markets." He forcibly pointed out the reasons that made this duty imperative.

Following this, Mr. PAYNE, the chairman of the Committee on Ways and Means and the leader of the Republican majority of this House, introduced a bill carrying out the recommendations of the President. At that time there was practical unanimity in both the Democratic and the Republican party that the reciprocal benefits of free trade should exist between Puerto Rico and this country. But in the last few weeks the entire policy of the Republican party in dealing with this matter has been reversed. The "plain duty" so pointedly presented by the President has ceased to exist, and a different idea of justice, of right, and of wisdom seems now to possess him and his party.

Mr. POWERS. Will the gentleman yield for a question?

Mr. SWANSON. I will.

Mr. POWERS. I understand the gentleman to intimate that the President had changed his attitude.

Mr. SWANSON. I simply say that those in authority have made the statement that he has changed it. I hope he has not.

Mr. POWERS. Has any authorized statement come from him?

Mr. SWANSON. I have seen none emanating from him.

There has been no change in the conditions of Puerto Rico or of this country to produce this change in the President's mind or in that of his party. The unfortunate people of that island are still immersed in poverty and in wretchedness and still have denied to them the markets of the world for the sale of their products. Every reason assigned in the President's message for free trade with Puerto Rico exists with redoubled force to-day. If at that time it was "our plain duty" to extend them free trade, it is doubly so to-day.

Why, then, sirs, this sudden change of policy in dealing with

Puerto Rico? Why is our acknowledged "plain duty" now abandoned and this oppressive bill sought to be forced upon a helpless people? Is it a patriotic or is it a political condition that has wrought this wonderful change?

There is not an intelligent or a candid mind in this country that does not know that this change has been induced by the political necessities of the coming Presidential election.

We are told by the inspired and the well informed that this measure is not intended to be permanent and that in the not far distant future free trade with Puerto Rico will be established.

We are told that this bill is intended as a precedent to establish the doctrine that Congress has the power to create different custom duties in our new possessions from those existing in this country.

We were told by those representing the sugar and the tobacco interests, when they appeared before the Committee on Ways and Means, that they insisted upon the custom duties on the products of Puerto Rico not because any serious evils could accrue to this country through any importations from there, but because they are afraid that unless duties are imposed upon Puerto Rican products, it will be used as a precedent for granting free trade with the Philippine Islands, which they greatly fear.

We are told by Republican politicians and newspapers that unless these custom duties are imposed upon Puerto Rico, it will be argued during the Presidential campaign with force and effect that the same policy will be pursued with the Philippine Islands, and that this might result in the loss of a great many votes to the Republican party.

Thus, Mr. Chairman, it is evident that this bill has its inspiration not in justice, not in right, but in selfishness and in petty partisan politics.

A "plain duty" is to be abandoned for a supposed party advantage. One million of unfortunate people whom the fate of war has placed completely at our mercy are to be sacrificed and denied justice and right because it is thought by some that the exigencies of the Republican party require it.

Mr. Chairman, when this bill passes it will be the first chapter in the legislative history of our new possessions, and be it said to the disgrace of the Republican party that that chapter was written in wrong and in injustice for the purpose of carrying a Presidential election.

If we are to extend our possessions and inaugurate a colonial system, wisdom dictates that it should begin in justice, liberality, and equality. But if our colonial policy must be dominated by partisan party politics, as this bill indicates, it can but commence in disgrace and terminate in disaster.

And we are told, again, that the bill must be passed to establish a certain principle.

What is that principle so dear that this bill must pass to vindicate? Is it proposed to establish the doctrine that Congress has unlimited power of legislation for the new possessions, unrestrained by any of the provisions of the Federal Constitution, and that it can entirely disregard the provision of the Constitution requiring uniformity of custom duties throughout the United States, and that it can establish any rate of duty it sees fit between the States and the territories or possessions?

In short, the doctrine claimed is that the inhabitants of Puerto Rico and of the Philippine Islands are slaves of the imperial will of Congress, and in life, in liberty, and in property are entirely subject to its decrees.

This is the pernicious doctrine proposed and sought to be established by the Republican party.

Mr. Chairman, this is no new doctrine in American history. This Republic owes its birth to the effort on the part of the British Parliament to establish precisely the same principle.

The principles here maintained by the opposition are in every respect similar to those contended for at the time of the American Revolution by George III. The issues are the same. The reasons given are the same.

At that time it was claimed that the British Parliament was absolute sovereign in America; that Parliament had a right to impose any tax it wished in America; that it could regulate the conditions upon which American goods should enter the British markets, and also the conditions upon which British goods should enter the American markets.

It was contended that the British constitution, with its safeguards and its inestimable privileges, did not extend to America; that the Americans were but absolute subjects of the British Parliament.

To carry into effect these pernicious principles, the British Parliament passed the infamous stamp act. The speeches in Parliament in advocacy of that measure bear a striking resemblance to those delivered by the opposition in behalf of this bill.

Lord Grenville, in that debate, said that the purpose of the stamp act was "to establish the undoubted authority of the British legislation in all cases whatsoever."

The advocates of this bill claim that its purpose is to establish

in our possessions the undoubted authority of the American Congress in all cases whatsoever.

But the similarity does not cease here. To make the iniquitous stamp act tolerable to the Americans, it provided that the revenue derived from it should not be remitted to England, but should be retained and expended in America.

So this bill provides that the sum collected under it shall be expended in Puerto Rico. Hence the Puerto Ricans are told, as were our forefathers, that this makes the bill eminently just and wise.

The person who drew this bill must have had before him the infamous stamp act and must have used it as a prototype for this iniquitous measure.

The able gentlemen who have argued in favor of this measure and of the power of Congress must have had their minds illumined and their views strengthened by reading the speeches of Lord Grenville, of Lord North, and of Charles Townshend in speaking in advocacy of the stamp act and of the power of the British Parliament.

Mr. Chairman, in contradistinction to these pernicious British contentions, our forefathers maintained that taxation and representation went hand in hand; that all government derived its just powers from the consent of the governed, and that they were British subjects, entitled to all the benefits of the British constitution.

The two great leaders in this contention were George III on the one side and George Washington on the other.

It was thought that at least in America the fight was forever and finally settled in favor of George Washington and of his inestimable principles, but it seems that those who believe in the principles of George III are to-day in authority and in power in the United States. His iniquitous doctrines, his pernicious principles of parliamentary despotism, reappear in the American Congress to-day in this bill, which is sanctioned and supported by the Republican party. When the roll is called upon this bill every Representative must answer whether he is a follower of George III or of George Washington. [Applause.]

Mr. Chairman, the injustice of this bill is equal to that sought to be inflicted by the British upon the Americans at the time of the Revolution. This bill fixes the terms upon which the goods and products of Puerto Rico can be offered for sale in the markets of this country and also the terms upon which the people of Puerto Rico must purchase our goods. Thus we claim the power of controlling their sales to us and also their purchases from us. This is a dangerous power which no nation should possess over another and one which will always be abused for the enrichment of the nation possessed of the power. This bill itself furnishes a striking instance of how such power will invariably be used.

Now, tobacco is one of the chief products of Puerto Rico. While Puerto Rico was a Spanish possession the markets of Cuba and of Spain were open to her and consumed the entire product of Puerto Rican tobacco. Since her annexation to this country the markets of Cuba and of Spain have been closed to her products, and now Puerto Rico can look to this country alone for a market for her 4,000,000 pounds of tobacco. This tobacco is used entirely in the making of a good grade of cigars. By this bill a duty of 84 cents will be imposed upon each pound of her tobacco that is brought here in a raw or unmanufactured state. Under this bill, if this same tobacco is manufactured into cigars, cheroots, or cigarettes in Puerto Rico and imported into this country, it will be compelled to pay in customs duties and internal-revenue taxes \$3.13 per pound. Thus by this bill thirty-five times more is charged in customs duties and taxes on cigars than on the raw leaf. Thus the bill, if it gives any protection, gives scarcely any to the farmers and producers of tobacco in this country, but extends it all to the cigar manufacturers.

Mr. LACEY. Will the gentleman allow me to ask him a question?

Mr. SWANSON. Yes.

Mr. LACEY. Is not that simply the internal-revenue tax?

Mr. SWANSON. No; I will explain that to you.

Mr. LACEY. I should like to have the gentleman explain it.

Mr. SWANSON. They charge 25 per cent under the Dingley bill as a customs duty, and the bill provides in addition to that that they shall pay the internal-revenue tax as a customs duty, and then it has to pay the internal-revenue tax as an internal-revenue tax when it comes into this country, making \$3.13 per pound.

Mr. LACEY. I do not understand it in that way.

Mr. SWANSON. The purpose of this is plain and evident. The clear intention of the bill is to force all of the leaf tobacco raised in Puerto Rico to be imported into this country and to be here manufactured into cigars. Its purpose is to close every cigar, cheroot, and cigarette factory in Puerto Rico and to transfer them to this country. The sinister motive behind this bill is to discourage and to destroy any manufacturing developments in that island. It intends to confine the 1,000,000 people in that unhappy island

to raising raw materials to be imported here for the purposes of manufacturing.

Mr. Chairman, this is an outrage. It is precisely the same iniquitous policy that Britain sought to inflict upon the American colonies when we rebelled and refused to submit.

In Puerto Rico there are about 300 people to every square mile, and the island will be powerless to support its vast population unless permitted to embark in manufacturing enterprises. The clear purpose of this bill and of the Republican party is to prohibit this.

While this bill will require the payment of \$3.13 for every pound of their cigars seeking our markets, yet it opens their markets to our cigar makers on the payment of only \$1.13 per pound. This is such an inequality that it should shock every person's sense of justice and right. The shame becomes deeper when we reflect that the act is directed against a helpless people who can only protest, but must submit.

We are told by the eloquent advocates of the new imperialistic policy that we hold "a trusteeship under God" to care for, develop, and direct the destiny of these people. What a splendid illustration is here given of the discharge of this high trust. At the very first opportunity the so-called "divinely appointed trustees" despoil the dependent wards. [Applause.]

Sir, this Government interfered in Cuba and in Puerto Rico because Spanish injustice and despotism had become intolerable. So, if I mistake not, the American people consented to shed the precious blood of their sons and to spend vast treasures to relieve an oppressed people, and not to become heirs of the vicious Spanish system.

What has been the conduct of our Government toward the inhabitants of Puerto Rico? We found there a peaceful community and comparatively a prosperous people. They possessed in Cuba and in Spain ample markets at which to sell, at a remunerative price, their three chief products—coffee, sugar, and tobacco. They enjoyed a large share of local self-government and had representatives in the Spanish Cortes.

To-day all the markets of the world are closed to them and they are deprived of all the opportunities by treaty or otherwise of securing them. Their products can find no sale. To-day discontent and depression everywhere pervades the island. Debts aggregating more than \$50,000,000 burden these people. All industries are destroyed; all business paralyzed. Thousands of people are in the depths of starvation, and all are on the verge of bankruptcy. For nearly two years we have deprived this people of all civil government and held them by the stern iron hand of military rule alone.

Amid all these privations there was one hope that illumined the darkness and gave these people patience. They felt that they were a part and parcel of this great Republic and that they would soon receive its blessings and benefits. They relied implicitly upon being treated with justice and liberality. With the passage of this bill must come disappointment, bitter and deep. By this bill, in their trade and commerce, they are treated as foreign territory and not as a part of the Union. By it they are made not citizens of a republic but creatures of a Congressional despotism. By it they perceive that, being deprived of uniformity in taxation and customs duties with the rest of the Union, all of their earnings and products will be subject to the depredations of any selfish interest that may have political pull sufficient to influence Congress.

Behold what a contrast is presented between the proposed treatment of Hawaii and that of Puerto Rico. There is scarcely any objection from any source to extending free trade to Hawaii. In other words, the 300,000 tons of sugar produced in Hawaii by Spreckles, the sugar king, with his contract laborers or slaves, shall have free and open sale in our markets yet the 60,000 tons of sugar produced in Puerto Rico by thousands of small farmers and laborers can be sold in our markets only by the payment of heavy duties.

What causes this great difference? Certainly it can not be inspired by any principle of protection, for there is greater danger to the sugar interests of this country from the 300,000 tons of Hawaii than from the 60,000 tons of Puerto Rico.

No, Mr. Chairman, be it said to the shame of the Republican party, the difference arises from the fact that the sugar interest of Hawaii is owned by a few millionaires, whose voice is potential in the councils of the Republican party, while that of Puerto Rico is owned by thousands of poor, dependent persons without political influence. [Applause.] This favoritism must produce great dissatisfaction and discontent in Puerto Rico, and justly so. But, say the opposition, the inhabitants of Puerto Rico should acquiesce. Why, say they, are we not their imperial masters? Have we not, in exercise of our despotic power, the right to give to some and to withhold from others? As divine sovereigns, say they, have we not the right to select favorites and to shower them with all the favor and benefits and at the same time make others feel the crushing hand of our power?

This is imperialism. This is the new mission and the aspiration

of the Republican party. Sirs, those who are behind this bill and who imagine that they can induce the American people to adopt this policy by the opportunities afforded to despoil the people of our new possessions, do not read aright the American character and are forgetful of the glorious traditions of our history.

Mr. Chairman, the people of this great Republic are a broad-minded, generous-hearted people, with an acute sense of justice and of right. They will visit with severe condemnation any party or set of men who wantonly oppress a helpless people.

They embarked in the Spanish war to become the liberators of an oppressed people and not the despoilers of a dependent people. They cling with filial affection to their Federal Constitution, which with its broad justice insures to all parts of this great Republic uniformity and equality of burdens, uniformity and equality of benefits. [Applause.]

But, Mr. Chairman, it is said that this bill is intended more to establish a precedent to control us in our future dealings with the Philippine Islands than anything else.

This being true, it is eminently wise that this bill should be promulgated there among the insurgents as a measure of pacification. I have no doubt that the sweet justice of this bill would make a profound impression upon Aguinaldo and his followers, and that it would give them a higher conception of the noble purposes of the American people toward them. No doubt all resistance there would cease when they are told that they are chattels of the American Congress, subject in life, in liberty, and in property to its imperial will; that they are possessed with none of the safeguards of the Constitution with which all other citizens are endowed. No doubt the few friends we now have in the Philippine Islands will have their affections further cemented when they are informed that the American Congress will fix the terms upon which their products are sold here, and also the terms upon which they must purchase ours. I have no doubt that there will be an immense acclaim in those islands for America when it is understood that the justice and equality administered under this bill to Puerto Rico is mild in comparison with what they may expect for themselves.

Mr. Chairman, in all seriousness, to at this time push a bill of this kind and character is the supreme of folly.

We are endeavoring to overthrow an insurrection in the Philippine Islands. We are seeking to make friends there to our cause by profuse promises of justice and of fair dealing. With these promises on our lips, we deal with our strong arm a grievous wrong to a helpless and an unoffending people in Puerto Rico, a people who during the late Spanish war received us with open arms and to whom we promised all the benefits and blessings of our institutions.

This bill, Mr. Chairman, will do more to fire anew the smoldering flames of insurrection in the Philippine Islands than anything else that has happened since we first put foot upon her soil.

How can we expect a people to yield when they are told that they will be possessed of none of the privileges of our Constitution, none of the guaranties of our Bill of Rights, none of the benefits of our institutions, but that they are slaves of our imperial will and must bear such burdens as our selfishness or caprices may impose?

Mr. Chairman, the Republican party has been responsible for many political heresies; it has promulgated many pernicious principles; but nothing in its past history can transcend in dangerous import its new doctrine of "government without the Constitution."

The Republican party is tired of the Federal Constitution, and desires to exploit our new possessions without its restraints. Hence this party stands to-day committed to the doctrine that the Federal Constitution applies only to the States of the Union, and not to its Territories or other possessions.

It contends that section 3, Article IV of the Constitution, providing that "Congress shall have power to dispose of and make all needful regulations respecting the territory and other property belonging to the United States," gives Congress unrestricted power of legislation for the Territories. But this contention can not be maintained. The Supreme Court has repeatedly held that while the power of Congress to legislate for the Territories is full and plenary, it must be subject to the guaranties, restraints, and provisions of the Federal Constitution.

Chief Justice Taney, in the *Dred Scott* case, says:

The Territory being a part of the United States, the Government and the citizen both enter it under the authority of the Constitution with their respective rights defined and marked out; and the Federal Government can exercise no power over his person or property beyond what that instrument confers nor lawfully deny any right which it has reserved.

Chief Justice Waite, in *National Bank vs. Yankton* (101 U. S., 132), in discussing the power of Congress over territory, says:

But Congress is supreme, and for the purpose of this department of its governmental authority has all the power of the people of the United States, except such as has been expressly or by implication reserved in the prohibitions of the Constitution.

In *Reynolds vs. United States* (98 U. S., 162) the court said:

Congress can not pass a law for the government of the Territories which shall prohibit the free exercise of religion. The first amendment to the Constitution expressly forbids such legislation.

In *Springville vs. Thomas* (166 U. S., 707), a case from the Territory of Utah, the court said:

In our opinion the seventh amendment secured unanimity in finding a verdict as an essential feature of trial by jury in common-law cases. The act of Congress could not impart the power to change the constitutional rule and could not be treated as attempting to do so.

In *Thompson vs. Utah* (170 U. S., 346) Justice Harlan says:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question.

In *Murphy vs. Ramsey* (114 U. S., 15) the court says:

The people of the United States as sovereign owners of the National Territories have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms.

If there were further doubt that the Constitution of the United States extends to all territory subject to the authority of the United States, it would be removed by the case of *Callan vs. Wilson*. (127 U. S., 550.) Congress had passed an act permitting justices in the District of Columbia to inflict punishment in certain cases without providing for jury trial, as guaranteed in the Federal Constitution. It was insisted by Callan that the act was void, being repugnant to the Federal Constitution. It was insisted by the Attorney-General that Congress had unlimited power over the District, and that the provisions of the Federal Constitution could not restrain it, since section 8, Article I of the Constitution, in enumerating the powers of Congress, provided—

To exercise exclusive legislation over such District (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States.

Yet the court held that Congress did not have power to legislate for the District, unrestrained by the Federal Constitution, but that the Constitution extended over the District, and that the act of Congress in permitting the infliction of punishment without jury trial was contrary to the sixth amendment, hence void.

The doctrine that the Constitution extends to the Territories is further settled by decisions upon section 8, Article I of the Constitution, which provides:

But all duties, imposts, and excises shall be uniform throughout the United States.

The meaning of this provision and the extent of its application have been fully determined by the Supreme Court of the United States. Chief Justice Marshall, in *Loughborough vs. Blake* (5 Wheat., 317), in rendering the opinion of the court upon the question, says:

The eighth section of the first article gives Congress the power to lay and collect taxes, duties, imposts, and excises for the purposes thereafter mentioned. This grant is general, without limitation as to place. It consequently extends to all places over which the Government extends. If this could be doubted, the doubt is removed by the subsequent words, which modify the grant. "These words are," but all duties, imposts, and excises shall be uniform throughout the United States.

It will not be contended that the modification of the power extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does the term designate the whole or any particular portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania, and it is not less necessary on the principles of our Constitution that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other.

The case of *Cross, etc., vs. Harrison* (16 Howard, 164) is equally as decisive in determining that in our new possessions the imposts, duties, and excises collected there must be uniform with those in the States. The facts in that case are as follows: The treaty of peace was made between the United States and Mexico on the 3d of February, 1848. By that treaty California was ceded to the United States. As soon as this was done the Government authorities at Washington directed their subordinates in California to at once collect the customs duties there on goods from foreign countries, as provided by the laws of the United States.

Congress did not pass the act extending the custom laws of the United States to California and designating therein a port of entry until the 3d of March, 1849. Between the 3d of February, 1848, and the 3d of March, 1849, Cross brought to the port at San Francisco goods upon which Harrison, the Government subordinate, demanded payment of duties under the laws of the United States. Cross paid under protest and afterwards brought suit to recover the amount paid. His contention was that the custom laws of the United States did not extend to California until the act of Congress extending them was passed; hence the amount was illegally collected, having been paid before the act was passed. The courts held that the custom laws extended to California as soon as it was ceded, and therefore the amount was properly collected.

In delivering the opinion in this case Justice Wayne says:

To permit these goods to be landed in the port at San Francisco would be a violation of that provision of the Constitution which enjoins that all duties, imports, and excises shall be uniform throughout the United States. Indeed, it must be clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other parts of the United States. * * * That the ratification of the treaty made California a part of the United States, and that as soon as it became so the territory became subject to the acts which were in force to regulate foreign commerce with the United States after those had ceased which had been instituted for its regulation as a belligerent right.

Mr. Chairman, the overwhelming weight of authorities and of decisions of our Supreme Court maintain the proposition that all territory belonging to the United States is held under and subject to the Constitution; that Congress has not despotic power in legislating there, but that it must be controlled by the constitutional limitations and restraints.

Besides being the legal interpretation, it is decidedly the wisest interpretation. If the doctrine of the opposition prevails, there can be no enlargement of our territory except by force of arms. No nation will willingly consent to unite her destiny with ours when they clearly understand that they are possessed of none of the privileges and immunities of our Constitution, but are mere chattels, subject to the despotic will of Congress. Hence, if this doctrine prevails, there can be no expansion of this country except by conquest. All additions to it will consist of unwilling subjects, held by military power, which will be a source of loss and of weakness, and not of profit or strength.

If our contentions prevail, it will be understood that wherever the American flag waves, wherever American power or jurisdiction prevails, there goes with it the Federal Constitution, with its justice, equality, and protection of life, liberty, and property. Then many nations will be anxious and willing to unite their destiny with ours. Thus our doctrine will mean expansion like that of Texas, like that of Louisiana and of others, where brave and high-spirited people would be glad to share with us the blessings of our institutions.

Besides, I for one am unwilling to make a part and parcel of this country of any people to whom the Federal Constitution would be a curse instead of a blessing. I am unwilling to clothe the executive power of this country with all the vast powers with which it would have to be vested in order to govern our new possessions without having that power restrained by the just restrictions of the Federal Constitution. That Constitution can work no evil anywhere to those whose intentions are good and whose purposes are right.

Whether in Puerto Rico or in the Philippine Islands, with that Constitution overshadowing and protecting the people, we have assurances that there will be no abuse of power and that the inhabitants of these islands will have guaranteed to them the blessings of free and liberal institutions.

The Constitution is a hindrance only to those who seek to despoil their people and who would make slaves of them for their selfish purposes.

Mr. Chairman, no empire can endure long which is composed of subdivisions of which some are rulers and the others ruled. In such an empire there is ceaseless discontent, ceaseless turmoil, ceaseless jealousies, which in the course of time produce civil war, insurrection, and finally disintegration. This condition has been the chief cause of the downfall of all of the great empires of the world.

If we are a wise people we will have no expansion except that which is solid and natural, that which is composed of a homogeneous people, or at least of a people who can ultimately be made so.

If we will take the broad and sensible ground that our Constitution covers all the territory belonging to us and that Congress in legislating for our territory has full and plenary powers, but that these powers must be exercised under the Constitution, then we will adopt a system which in the long run will and must produce a united, solid, and homogeneous nation without bickering, without jealousy, and without discontent.

I view with profound apprehension this new doctrine which proposes to make a vast distinction in the rights, in the privileges, and in the immunities between the citizens of the States and of the Territories.

It makes the States that constitute the Republic the head of an empire, which empire is subject entirely to the despotic will of the States. Special interests in these States will be desirous of enriching themselves at the expense of the empire, and political parties will bid for the support of these special interests in the States by offering greater opportunities to despoil the people of the Territories.

The very bill before us shows how the cigar-manufacturing interest of this country has been sufficiently potential with the Republican party to induce it to force this iniquitous bill upon Puerto Rico.

In the course of time there will happen in this country the same

that happened to Rome, where the votes of citizens were obtained by allowing depredations upon the unhappy people of the outlying provinces.

When we adopt this system—this new proposed system—we are simply returning to the old colonial system of Rome, of Spain, of Portugal, and of other nations, that has been discarded and proved to be fertile in disaster only.

I am opposed to any permanent retention of the Philippine Islands. I believe that our wisest policy is to leave them as quickly as we can with honor and with safety. But if we are to remain there permanently, I believe the wisest course to pursue is to let the people of those islands understand that they are American citizens, and as such are entitled to all of our privileges, immunities, and blessings. Let them understand that they have in the Federal Constitution a safe guaranty of justice, of equality, and of protection of life, liberty, and property, which no power of Congress and no power of the Executive can alienate or destroy.

It is only by such a course and by a liberal, just, and equitable government that we can ever expect them to be reconciled or to transform them into friends instead of our enemies.

Mr. Chairman, to my mind this is one of the most dangerous bills that have ever been offered in Congress since the formation of our Government.

It will end the history of the Republic and open the history of the empire.

It dethrones the Goddess of Liberty and elevates the demon of power.

It destroys constitutional government and creates a Congressional despotism.

It is but the forerunner of countless other bills to follow in order to inaugurate the new imperialistic régime.

It is antagonistic to all the traditions of our country, to all the principles of our Government, and will, I believe, be the commencement of much disgrace and of much disaster. [Applause.]

And then, on motion of Mr. PAYNE, the committee rose; and the Speaker having resumed the chair, Mr. HULL, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8245) to regulate the trade of Puerto Rico, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

H. R. 5493. An act for the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the act of June 27, 1898, amending the act of March 3, 1887.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. LACEY, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Mahala A. Dahlman, Fifty-fifth Congress, no adverse report having been made thereon.

By unanimous consent, at the request of Mr. PEARCE of Missouri, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of John Dinsbeer, Fifty-fifth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. PARKER, for one day, on account of necessary absence from the city.

To Mr. BALL, for three days, on account of illness.

To Mr. FORDNEY, for one week, on account of important business.

To Mr. ATWATER, for three days, on account of sickness.

CONSIDERATION OF NICARAGUA CANAL BILL.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that the 6th day of next month be set apart for the consideration of the bill H. R. 2538.

Mr. BROSIUS. What is that bill?

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] asks unanimous consent that March 6 be set apart for the consideration of the bill H. R. 2538, being the Nicaragua Canal bill.

Mr. HOPKINS. Mr. Speaker, I do not want to object to that, but I want to make this suggestion. I am for the Nicaragua bill, but my colleagues seem to have some views on that, and owing to the absence of many members from the House I wish to suggest that it seems to me the request ought to be submitted when there is a full attendance. I make that not in the way of an objection, but an appeal to my colleague.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, unless there is an understanding between the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Illinois [Mr. CANNON], chairman of the Committee

on Appropriations, in regard to this bill, I shall have to object to it.

Mr. HEPBURN. Take your own responsibility.

Mr. RICHARDSON. We should like to hear what gentlemen are saying. It is impossible to hear over here.

The SPEAKER. Does the gentleman from New York object?

Mr. PAYNE. I do.

The SPEAKER. Objection is made.

And then, on motion of Mr. PAYNE (at 4 o'clock and 58 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation for service of the fiscal year ending June 30, 1901—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Smithsonian Institution submitting a request for transfer of an appropriation for certain expenses for the year 1899—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for construction of barracks at proving ground, Sandy Hook—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GAMBLE, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 7725) to establish mining experiment stations to aid in the development of the mineral resources of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 381); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RANDELL, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 6767) to grant an American register to the steamer *Windward*, reported the same without amendment, accompanied by a report (No. 382); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NORTON of Ohio, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4795) granting an increase of pension to John O'Connor, reported the same with amendment, accompanied by a report (No. 377); which said bill and report were referred to the Private Calendar.

Mr. ROBB, from the Committee on Claims, to which was referred the bill of the Senate (S. 1284) for the relief of W. H. L. Pepperell, of Concordia, Kans., reported the same without amendment, accompanied by a report (No. 378); which said bill and report were referred to the Private Calendar.

Mr. SOUTHARD, from the Committee on Claims, to which was referred the bill of the House (H. R. 2824) to pay certain judgments against John C. Bates and Jonathan A. Yeckley, captain and first lieutenant in the United States Army, for acts done by them under orders of their superior officers, reported the same without amendment, accompanied by a report (No. 379); which said bill and report were referred to the Private Calendar.

Mr. UNDERHILL, from the Committee on Claims, to which was referred the bill of the House (H. R. 6749) for the relief of Mary A. Swift, reported the same without amendment, accompanied by a report (No. 380); which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 2232) for the relief of Louis Weber, reported the same without amendment, accompanied by a report (No. 383); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 3767) granting a pension to John W. Hartley—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4537) for the relief of William Wheeler Hubbell—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 4538) to pay just compensation to William Wheeler Hubbell for his invention of high-power steel guns, and improvements in other guns made and adopted by the United States for its military service and Navy at the present time—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 5340) granting an increase of pension to John Brown—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BULL: A bill (H. R. 8751) to amend section 13 of the act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, approved March 3, 1899—to the Committee on Naval Affairs.

By Mr. BOWERSOCK: A bill (H. R. 8752) to prevent the selling of or dealing in beer, wine, or any intoxicating drinks in any post exchange, or canteen, or transport, or upon any premises used for military purposes by the United States—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 8753) authorizing the Santa Fe Pacific Railroad Company to sell or lease its railroad, property, and franchises, and for other purposes—to the Committee on Pacific Railroads.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 8754) to define renovated butter, and to impose a tax upon and to regulate the sale of the same—to the Committee on Ways and Means.

By Mr. MUDD: A bill (H. R. 8755) for the erection of a public building at Ellicott City, Md.—to the Committee on Public Buildings and Grounds.

By Mr. BUTLER: A bill (H. R. 8756) to place the civil clerical force at headquarters of the United States Marine Corps on an equal footing with the clerical force of the Navy Department—to the Committee on Naval Affairs.

By Mr. MUDD: A bill (H. R. 8757) for the erection of a public building at Laurel, Md.—to the Committee on Public Buildings and Grounds.

By Mr. BERRY: A bill (H. R. 8758) to increase limit of cost of post-office building at Carrollton, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. UNDERWOOD: A bill (H. R. 8774) to equalize and regulate the duties of the judges of the district courts of the United States in the State of Alabama—to the Committee on the Judiciary.

By Mr. RICHARDSON: A joint resolution (H. J. Res. 182) prohibiting the transportation of wood pulp, printing paper, and so forth, from one State to another—to the Committee on the Judiciary.

By Mr. JOY: A resolution (H. Res. 155) relative to the one hundredth anniversary of the purchase of the Louisiana Territory by the United States—to the Committee on Rules.

By Mr. HEPBURN: A resolution (H. Res. 156) relating to the consideration of H. R. 2538 on March 6, 1900—to the Committee on Rules.

Also, a resolution (H. Res. 157) relating to the amendment of clause 6, Rule XXIV, of the rules of the House—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BOWERSOCK: A bill (H. R. 8759) granting a pension to Adda Tubbs—to the Committee on Pensions.

By Mr. BELL: A bill (H. R. 8760) granting a pension to Pias Hayten, of Idaho Springs, Colo.—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 8761) to remove the charge of desertion from the military record of William H. Moore, alias William Moorey—to the Committee on Military Affairs.

By Mr. GASTON: A bill (H. R. 8762) granting a pension to Joseph W. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8763) granting a pension to Abraham Levi-son—to the Committee on Invalid Pensions.

By Mr. HOFFECKER: A bill (H. R. 8764) granting an increase of pension to Robert C. Rogers—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 8765) for the relief of John C. Smith—to the Committee on the Public Lands.

By Mr. KERR: A bill (H. R. 8766) granting a pension to Margaret Newcomb—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 8767) granting an increase in pension to H. P. Mann—to the Committee on Pensions.

Also, a bill (H. R. 8768) granting increase in pension to B. F. Shirt—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 8769) to carry out the findings of the Court of Claims in the case of the estate of Frances King—to the Committee on War Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 8770) granting a pension to Hannah Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8771) granting an increase of pension to Lyman A. Sayles—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 8772) to carry out the findings of the Court of Claims in the case of Arrington Purify, administrator of Thomas Purify, deceased—to the Committee on War Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 8773) to carry out the findings of the Court of Claims in the case of Penelope Anzburn—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolution of Anna M. Ross Camp, No. 1, Sons of Veterans, Division of Pennsylvania, protesting against the passage of House bill prohibiting the use of uniforms or semblance of uniforms worn by United States soldiers or State militia—to the Committee on Military Affairs.

Also, resolutions of the Philadelphia Drug Exchange, with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. BARTHOLDT: Petition of late members of Missouri militia regiments of St. Clair, Mo., asking that the names of soldiers who served in the Missouri State Militia be placed on the pension rolls—to the Committee on Invalid Pensions.

Also, resolutions of the National Building Trades Council, protesting against the passage of a bill prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Central District Medical Society of Missouri, against the passage of Senate bill No. 34, prohibiting vivisection—to the Committee on the District of Columbia.

Also, petition of the Latin-American Club of St. Louis, Mo., in favor of the laying of competing cable lines to Cuba—to the Committee on Insular Affairs.

By Mr. BARTLETT: Petition of Letter Carriers' Fraternal and Benevolent Association, relative to the retirement and pay of civil employees—to the Committee on Reform in the Civil Service.

Also, resolutions of the Medical Association of Georgia, asking that the Surgeon-General of the United States have the rank and pay of major-general—to the Committee on Military Affairs.

By Mr. BELL: Resolutions of the Board of Trade of Leadville, Colo., against leasing of public lands—to the Committee on the Public Lands.

By Mr. BOWERSOCK: Petition of the Topeka (Kans.) Academy of Medicine and Surgery, against the passage of House bill No. 1144, relating to the prevention of further cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BULL: Resolution of the New England Shoe and Leather Association, in favor of free trade with Puerto Rico—to the Committee on Ways and Means.

By Mr. BURKETT: Resolutions of Cigar Makers' Union, No. 143, of Lincoln, Nebr., against the admission free of duty or the lowering of the duty on cigars imported from Puerto Rico—to the Committee on Ways and Means.

By Mr. CAPRON: Statement of John W. Cass, in support of the bill for the erection of a public building at Woonsocket, R. I.—to the Committee on Public Buildings and Grounds.

Also, resolution of the New England Shoe and Leather Association, in favor of free trade with Puerto Rico—to the Committee on Ways and Means.

By Mr. CALDWELL: Remonstrance of J. C. Stanner & Co. and others, of Pana, Ill., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Texas: Petitions of the Chamber of Commerce, bar pilots, and citizens, all of Sabine Pass, Tex., for an appropriation to establish light and fog-signal station on Sabine

Bank, Texas—to the Committee on Interstate and Foreign Commerce.

By Mr. DAHLE of Wisconsin: Petition of G. E. Swan, of Beaver Dam, Wis., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. DALZELL: Resolutions of Chemung Valley Tobacco Growers' Association, relative to Puerto Rican tariff—to the Committee on Ways and Means.

Also, petitions of members of the select and common councils of Pittsburg and Allegheny, Pa., favoring the passage of House bill No. 4351, for the reclassification of postal clerks—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill to increase the pension of Joseph L. Thomas—to the Committee on Invalid Pensions.

By Mr. ELLIOTT: Resolutions of the Cotton Exchange of Charleston, S. C., favoring the passage of Senate bill No. 728 and House bill No. 5499, to promote the efficiency of the Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Resolutions adopted by Cigar Makers' Local Union No. 61, of La Crosse, Wis., in relation to the reclamation and settlement of public land—to the Committee on the Public Lands.

By Mr. GROUT: Resolutions of the National Board of Trade at their thirteenth annual meeting, held in Washington, D. C., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of the State of New York, favoring the appointment of a commission for extending trade with China and Japan—to the Committee on Foreign Affairs.

Also, memorial of N. O. Murphy, governor of Arizona, with reference to arid-land reclamation and water storage—to the Committee on Irrigation of Arid Lands.

Also, resolution of the New York Mercantile Exchange, indorsing House bill No. 7667, relative to the branding of cheese—to the Committee on Interstate and Foreign Commerce.

Also, petition of Alonzo O. Bliss, Washington, D. C., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

Also, resolutions adopted by the Grand Lodge of Vermont, Independent Order of Good Templars, E. M. Campbell, secretary, praying for more stringent legislation against the sale of liquors in the Army canteens—to the Committee on Alcoholic Liquor Traffic.

Also, resolution of the Chamber of Commerce of the State of New York, for the better government of the Territory of Alaska—to the Committee on the Judiciary.

Also, resolutions of the National Building Trades Council of America, H. W. Steinbiss, St. Louis, Mo., secretary, protesting against the passage of bill prohibiting ticket brokerage—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Chamber of Commerce of the State of New York, favoring the establishment of an uptown branch of the New York City post-office—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Mrs. Lena P. Cowdin, of New York City, favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

By Mr. HALL: Petitions of George T. Henry, A. W. Niederreiter, and other citizens of Clarion County, Pa., favoring the passage of a bill imposing a tax upon oleomargarine, butterine, etc.—to the Committee on Ways and Means.

By Mr. HITT: Papers to accompany House bill No. 5134, granting increase of pension to J. F. Allison—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of Local Union No. 152, United Mine Workers of America, of Ottumwa, Iowa, in relation to eight-hour law and prison labor—to the Committee on Labor.

By Mr. MERCER: Resolutions of the Nebraska Beet Sugar Association, with reference to duties on sugar—to the Committee on Ways and Means.

By Mr. PUGH: Papers to accompany House bill No. 3871, granting a pension to W. J. Worthington, of Greenup County, Ky.—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Papers relating to the claim of James M. Catlett, of Fauquier Station, Va.—to the Committee on War Claims.

By Mr. SHERMAN: Petition of C. W. Porter and other citizens of Rome, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. STARK: Petition of C. P. Metcalf and 42 others, of Carlton and vicinity, and F. H. Porter and 31 others, of Ware, all in the Fourth Congressional district of Nebraska, urging a clause in the Hawaiian constitution forbidding the manufacture and sale of

intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. WEEKS: Petition of Michigan Dairymen's Association, favoring the passage of House bill No. 3717, relative to oleomargarine—to the Committee on Agriculture.

By Mr. WEYMOUTH: Petition of George A. Howe and 41 other members of Post No. 29, Department of Massachusetts, Grand Army of the Republic, and citizens of the Fourth Congressional district of Massachusetts, in favor of House bill No. 4742, for military instruction in the public schools—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, February 21, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. SEWELL, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 55) authorizing the President to appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in 1900.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5493) for the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the act of June 27, 1898, amending the act of March 3, 1887; and it was thereupon signed by the President pro tempore.

MEMORIAL ASSOCIATION OF THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore. By authority of joint resolution relating to the Memorial Association of the District of Columbia, approved June 14, 1892, I appoint as members of said association, each for the full term of three years, Hon. John Hay and Judge Walter S. Cox; Gen. Nelson A. Miles, vice J. C. Bancroft Davis, resigned, for the unexpired term of two years.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of sundry druggists of Burlington County, N. J., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the Daughters of the Society of the Revolution of New Jersey, praying for the enactment of legislation fixing the pay of letter carriers in all cities; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT of New York presented a memorial of Local Union No. 246, Cigarmakers' International Union, of Salamanca, N. Y., remonstrating against the enactment of legislation admitting cigars free of duty from Puerto Rico or the Philippine Islands; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. COCKRELL presented a memorial of the Commission Merchants and Game Dealers' Association of Missouri, remonstrating against the enactment of legislation to regulate the shipment of wild game from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Industrial Council of Kansas City, Mo., praying that all the remaining public lands be held for the benefit of the whole people, and that no grants of title to any of the lands be made to any but actual settlers and home builders on the lands; which was referred to the Committee on Public Lands.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., and a petition of the Manufacturers' Association of St. Louis, Mo., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which were referred to the Committee on Commerce.

Mr. DANIEL presented the memorials of John B. Bowers, of Catletts, Va.; of Craig & Doyle, of Craigville, Va., and of J. T. Oliver, of Ivy Depot, Va., remonstrating against the enactment of legislation to provide for the regulation of shipments of game from one State to another; which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Business Men's Association of Manchester, Va., praying for the enactment of legislation to promote the commerce and increase the foreign trade of the United States, etc.; which was referred to the Committee on Commerce.

Mr. HOAR. I present resolutions of the legislature of the Commonwealth of Massachusetts, relative to an appropriation by Congress for the improvement of Boston Harbor. I ask that the

resolutions may be read in full and referred to the Committee on Commerce.

There being no objection, the resolutions were read, and referred to the Committee on Commerce, as follows:

COMMONWEALTH OF MASSACHUSETTS. In the year 1900.

Resolutions relative to an appropriation by the Congress of the United States for the improvement of Boston Harbor.

Whereas large sums of money have been expended by the Commonwealth in the development of a system of docks in Boston Harbor; and

Whereas to obtain the full benefit of the said system it is necessary that the channel of Boston Harbor shall be widened and deepened; and

Whereas this improvement would be of advantage not only to Boston and Massachusetts, but also to all New England: Be it

Resolved, That the Congress of the United States is hereby requested to appropriate a sum sufficient for this purpose; and that the Senators and Representatives in Congress from this State are requested to use all reasonable endeavors toward this end.

Resolved, That properly attested copies of these resolutions be sent to the presiding officers of both branches of Congress and to the Senators and Representatives in Congress from this Commonwealth.

HOUSE OF REPRESENTATIVES, February 6, 1900.

Adopted: Sent up for concurrence.

JAMES W. KIMBALL, Clerk.

SENATE, February 9, 1900.

Adopted in concurrence.

HENRY D. COOLIDGE, Clerk.

A true copy.

Attest:

JAMES W. KIMBALL,
Clerk of House of Representatives.

Mr. HOAR presented the petition of William S. Flint and 99 other druggists of Worcester, Mass., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. NELSON presented a petition of the Ramsey County Medical Society of Minnesota, praying for the establishment of homes or colonies where lepers can be segregated; which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of Stone Masons' Union No. 4, of Duluth, Minn., remonstrating against the cession of public lands to the States and Territories; which was referred to the Committee on Public Lands.

Mr. GALLINGER. I present a protest from about 30 farmers in Cheshire County, N. H., most of whom, I think, if not all, are producers of tobacco. Their protest is against the free importation of tobacco and agricultural products from any part of the world. I ask that the memorial go to the Committee on Finance. The Puerto Rican bill having been reported, the memorial would ordinarily lie on the table, but I should like to have it go to the Committee on Finance.

The PRESIDENT pro tempore. It will be so referred.

Mr. PERKINS presented a petition of the Board of Trade of Los Angeles, Cal., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Sacramento County Humane Society of California, praying for the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of Fresno, Cal., and a petition of the Chamber of Commerce of San Diego, Cal., praying for the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that an appropriation be made for the improvement of the inner harbor at San Pedro, in that State; which was referred to the Committee on Commerce.

He also presented a memorial of the Iroquois Club of San Francisco, Cal., remonstrating against the ratification of the proposed Hay-Pauncefote treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition signed by the senators and assemblymen of the California State legislature, praying that an appropriation be made to continue the Mission Tule River Indian Agency at San Jacinto, in that State; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Trades Union of Vallejo, Cal., praying for the enactment of legislation to enable the workmen employed in the navy-yards, naval stations, etc., to secure an annual leave of absence with pay; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Trade of Los Angeles, Cal., praying for the enactment of legislation to increase the merchant marine of the country; which was referred to the Committee on Commerce.

He also presented a memorial of Local Union No. 36, Carpenters and Joiners, of Oakland, Cal., remonstrating against the cession of the public lands to any other than actual settlers and home builders; which was referred to the Committee on Public Lands.

He also presented a petition of the Board of Trade of San Francisco, Cal., praying for the passage of the so-called ship-subsidy bill; which was referred to the Committee on Commerce.